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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6619]

PART 16—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1962

The following regulations, prescribed under sections 46(a)(5) and 48(d) of the Internal Revenue Code of 1954, as added by section 2 of the Revenue Act of 1962 (76 Stat. 962), relate to the computation of the limitation on the credit allowed by section 38 of the Code in the case of members of an affiliated group, and to the election of a lessor of certain property to treat the lessee of the property as having purchased such property for purposes of the credit allowed by section 38.

The regulations set forth herein are temporary and are designed to inform taxpayers of certain rules governing the performance of acts required or permitted under certain provisions relating to the credit allowed by section 38 of the Code. More comprehensive rules with respect to these and other provisions relating to such credit will be issued subsequently.

In order to prescribe temporary regulations under sections 46(a)(5) and 48(d) of the Internal Revenue Code of 1954, the following regulations are adopted:

- Sec.
- 16.1 Statutory provisions; amount of credit; affiliated groups.
 - 16.1-1 Computation of limitation; apportionment of \$25,000 amount among members of affiliated group.
 - 16.2 Statutory provisions; definitions; special rules.
 - 16.2-1 Election of lessor of new section 38 property to treat lessee as purchaser.

AUTHORITY: §§ 16.1 to 16.2-1 issued under sec. 7805 of Internal Revenue Code of 1954; 68 Stat. 917; 26 U.S.C. 7805.

§ 16.1 Statutory provisions; amount of credit; affiliated groups.

SEC. 46. Amount of credit—(a) Determination of amount. * * *

(5) *Affiliated groups.* In the case of an affiliated group, the \$25,000 amount specified under subparagraphs (A) and (B) of paragraph (2) shall be reduced for each member of the group by apportioning \$25,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term "affiliated group" has the meaning assigned to such term by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

[Sec. 46(a)(5) as added by sec. 2(b), Revenue Act 1962 (76 Stat. 963)]

§ 16.1-1 Computation of limitation; apportionment of \$25,000 amount among members of affiliated group.

(a) *Limitation on amount of credit.*—(1) *In general.* Section 46(a)(2) provides that the credit allowed by section 38 (relating to credit for investment in certain depreciable property) shall not exceed—

(i) So much of the liability for tax for the taxable year as does not exceed \$25,000, plus

(ii) 25 percent of so much of the liability for tax for the taxable year as exceeds \$25,000.

(2) *Apportionment of \$25,000 amount among members of an affiliated group.* Section 46(a)(5) provides that in the case of an affiliated group (as defined in paragraph (d) of this section), the \$25,000 amount specified in section 46(a)(2) shall be reduced for each member of the group by apportioning \$25,000 among the members of the group. Except as otherwise provided in this section, the \$25,000 amount shall be apportioned among those members of the affiliated group which are members on the last day of the taxable year of the common parent. For the taxable year of each such member ending with, or within which falls, the last day of the taxable year of the common parent, the credit allowed by section 38 cannot exceed—

(i) So much of its liability for tax for such taxable year as does not exceed its share of the \$25,000 amount apportioned to it under the rules prescribed in this section, plus

(ii) 25 percent of so much of its liability for tax for such taxable year as exceeds its share of the \$25,000 amount so apportioned to it.

(3) *Manner of apportionment.* (i) In the case of members of an affiliated group which are members on the last day of the taxable year of the common parent, the \$25,000 amount may be apportioned among such members (for the taxable year of each such member ending with, or within which falls, the last day of the taxable year of the common parent) in any manner such members may select if all such members consent to the apportionment plan. The consent of each such member to the apportionment plan shall be in the form of a statement signed by the member consenting to the plan. The statement shall set forth the name, address, and taxpayer account number of each such member of the affiliated group and of any other corporation to which any portion of such group's \$25,000 amount is apportionable under paragraph (b) of this section, the identity of the common parent, the last day of the common parent's taxable year, and the amount apportioned to each corporation. The consents may be incorporated in one statement. The statement (or statements) shall be attached to the timely

filed income tax return of the common parent and shall be irrevocable after the due date of such return (including extensions of time). However, if the due date (including extensions of time) of the return of a common parent is before February 28, 1963, the required statement (or statements) shall be considered timely filed if filed on or before February 28, 1963, with the district director with whom the common parent files its return. Each member of the affiliated group consenting to the apportionment plan shall attach a copy of its consent (or a copy of the statement containing the consents of all the corporations) to its income tax return or, in the case of a return due before February 28, 1963, to any amended return or claim for refund.

(ii) An apportionment plan adopted by an affiliated group with respect to a particular taxable year of the common parent shall be valid only for the taxable year of each member of the group which ends with, or within which falls, the last day of such taxable year of the common parent. Thus, an affiliated group must file a separate consent to an apportionment plan with respect to each taxable year of the common parent as to which an apportionment plan is desired.

(iii) If an apportionment plan is not timely selected, the \$25,000 amount specified in section 46(a)(2) shall be reduced for each member of the affiliated group, for its taxable year ending with, or within which falls, the last day of the common parent's taxable year, to an amount equal to (a) \$25,000, divided by (b) the number of corporations in such group as of the close of such last day. If the common parent's taxable year ends before January 1, 1962, no portion of the \$25,000 amount shall be apportioned to it or to any other member of such group for a taxable year ending before January 1, 1962, and on or after the close of the parent's taxable year, and any such parent or member shall not be considered a member for any such taxable year in determining the number of corporations referred to in (b) of the preceding sentence.

(b) *Short taxable year.* (1) If (i) the return of a corporation is for a short period ending after December 31, 1961, (ii) such corporation is a member of an affiliated group as of the last day of such period, and (iii) the last day of the common parent's taxable year does not end with or within such short period, then the \$25,000 amount shall be reduced for such corporation to an amount equal to \$25,000 divided by the number of corporations in such group as of the close of such corporation's short period. In such case, the total amount that may be apportioned under paragraph (a)(3) of this section (either equally or according to a plan) among the members of an affiliated group which have the same common parent as the corporation with

the short period shall be \$25,000 less the amount apportioned to such corporation for its short period ending in the taxable year of the common parent of the affiliated group. If the common parent of the corporation with the short period is not affiliated with any other corporation at the end of such parent's taxable year within which the short period ends, the \$25,000 amount shall be reduced for the parent by the amount apportioned to such corporation for its short period.

(2) In lieu of the apportionment provided for in subparagraph (1) of this paragraph, a corporation (with a short period) may waive its right to receive the part of the \$25,000 amount apportionable to it by specifically so indicating on a statement meeting the requirements of subparagraph (3) of this paragraph. In such case, no amount shall be considered apportioned to such corporation.

(3) The corporation with the short period shall attach a statement to its timely filed income tax return (including extensions of time). However, if the due date of the return (including extensions of time) is before February 28, 1963, the statement may be attached to an amended return or claim for refund filed on or before February 28, 1963. The statement shall indicate the name, address, and taxpayer account number of each member of the affiliated group as of the close of the short period, the identity of the common parent and the last day of the common parent's taxable year, and the amount apportioned to itself or, if appropriate, a waiver of the amount apportionable to it. A copy of the statement shall be furnished to the common parent.

(c) *Two or more common parents.* If a corporation during its taxable year is a member of two or more affiliated groups as of the last day of the taxable year of the common parent of each such group, such corporation shall be considered to be a member of only the affiliated group whose common parent's taxable year ends earliest in such corporation's taxable year.

(d) *Definition of affiliated group.* For purposes of this section, an affiliated group means one described in section 1504(a), except that all corporations shall be treated as includible corporations, without exclusion under section 1504(b). Thus, a foreign corporation or a corporation exempt from taxation under section 501 may be a member of an affiliated group for purposes of this section even though under section 1504 (b) neither corporation would be an includible corporation.

(e) *Affiliated group filing a consolidated return.* For purposes of determining the limitation based on amount of tax for the members of an affiliated group which join in filing a consolidated return, all such members shall be treated as through they were a single taxpayer. The limitation based on amount of tax for an affiliated group all of whose members join in the filing of a consolidated return shall be so much of the consolidated liability for tax as does not exceed \$25,000, plus 25 percent of the consolidated liability for tax in excess of \$25,000. If, however, there are other mem-

bers of the affiliated group which do not join in the filing of the consolidated return (such as, for example, a corporation exempt from taxation under section 501), and a consent is not timely filed apportioning the \$25,000 amount among the group filing the consolidated return and the other members of the affiliated group, each member of the group which joins in filing the consolidated return shall be treated as a separate corporation for purposes of equally apportioning the \$25,000 amount. In such case, the limitation based on amount of tax for the group filing the consolidated return shall be computed by substituting for the \$25,000 amount the total of the amounts apportioned to each corporation which joins in filing the consolidated return.

(f) *Nonresident foreign corporation.* (1) No part of the \$25,000 amount shall be apportioned under this section to a foreign corporation not engaged in trade or business within the United States (hereinafter referred to in this paragraph as a "nonresident foreign corporation"), nor shall such corporation be considered as a member for purposes of determining the number of corporations which divide equally the \$25,000 amount under paragraph (a) (3) (iii) of this section. Furthermore, the consent of such corporation to an apportionment plan is not required.

(2) A nonresident foreign corporation which is a common parent of an affiliated group shall be considered to have a taxable year ending December 31.

(3) If a nonresident foreign corporation is a common parent of an affiliated group, the statement required by paragraph (a) (3) (i) of this section shall be considered timely filed if filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., within 75 days after the end of its taxable year (as determined under subparagraph (2) of this paragraph) or February 28, 1963, whichever is later.

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). P, a domestic corporation, files an income tax return for its taxable year ending January 31, 1962. On such date P owns all the outstanding stock of S, also a domestic corporation. S files a separate income tax return on the basis of a fiscal year ending June 30. The membership of the affiliated group is ascertained as of the close of January 31, 1962, the last day of the taxable year of the common parent, P. On that day the affiliated group consists of P and S. P and S consent to an apportionment plan in which the \$25,000 amount is apportioned entirely to S for its taxable year ending June 30, 1962 (S's taxable year within which the last day of the taxable year of the common parent, January 31, 1962, falls). Such consent is timely filed. For purposes of computing the credit under section 38, S's limitation based on amount of tax for its taxable year ending June 30, 1962, is so much of S's liability for tax as does not exceed \$25,000, plus 25 percent of S's liability for tax in excess of \$25,000. P's limitation for its taxable year ending January 31, 1962, is equal to 25 percent of P's liability for tax. On the other hand, if an apportionment plan is not timely filed, P's limitation would be so much of P's liability for tax as does not exceed \$12,500 plus 25 percent of P's liability

for tax in excess of \$12,500, and S's limitation would be computed similarly.

Example (2). Assume the same facts as in example (1), except that P's taxable year ends December 31, 1961, on which date it owns all the outstanding stock of S. If an apportionment plan is not timely filed, the \$25,000 amount is apportioned equally among members of the group as of December 31, 1961, the last day of the taxable year of the common parent, P. No portion of the \$25,000 amount is apportioned to P since its taxable year ends before January 1, 1962. Since S is the only corporation which is considered a member of the group as of December 31, 1961, it is apportioned the entire \$25,000 amount.

Example (3). F, a corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its income from sources within possessions of the United States, files an income tax return for its taxable year ending December 31, 1963, on which date it owns all the stock of P, a domestic corporation. P files a consolidated return as a common parent for its fiscal year ending June 30, 1964, with its two wholly owned domestic subsidiaries, S and A. No consent to an apportionment plan is filed. The membership of the affiliated group is ascertained as of the close of December 31, 1963, the last day of the taxable year of the common parent, F. On that day the affiliated group consists of F, P, S, and A, and each member is apportioned \$6,250 of the \$25,000 amount (\$25,000 divided by the four members). The limitation based on amount of tax for the affiliated group filing a consolidated return (P, S, and A) for the year ending June 30, 1964 (the consolidated taxable year within which December 31, 1963, falls), is computed by using \$18,750 instead of the \$25,000 amount. The \$18,750 is arrived at by adding together the \$6,250 amounts apportioned to P, S, and A on December 31, 1963. If the consolidated liability for tax of P, S, and A is \$27,750 for the taxable year ending June 30, 1964, then the credit allowed by section 38 for such group for such taxable year cannot exceed \$21,000 (\$18,750 plus 25 percent of \$9,000).

Example (4). Assume the same facts as in example (3) except that a consent by all the members of the affiliated group is filed with the timely filed income tax return of F to apportion the entire \$25,000 to the group filing a consolidated tax return (P, A, and S). The credit allowed by section 38 for such group for its taxable year ending June 30, 1964, cannot exceed \$25,687.50 (\$25,000 plus 25 percent of \$2,750).

Example (5). P, a domestic corporation filing income tax returns on a calendar-year basis, owns all the stock of S, T, and U, all domestic corporations. S, T, and U file separate returns and also file returns on a calendar-year basis. On June 30, 1963, S is liquidated. December 31, 1963, the last day of the taxable year of P, the common parent of the affiliated group, does not fall within S's short taxable year beginning January 1, 1963, and ending June 30, 1963. S does not waive its right to its equal portion of the \$25,000 amount. For such short taxable year, the \$25,000 amount shall be reduced for S to \$6,250 (\$25,000 divided by 4; the number of corporations in the affiliated group at the close of S's short taxable year). The total amount apportionable to the members of the affiliated group of which P is the common parent for their taxable years ending with December 31, 1963, is \$18,750 (\$25,000 minus the \$6,250 apportioned to S for its short taxable year ending June 30, 1963, which date ends in the taxable year of P, its common parent). This \$18,750 may be apportioned according to an apportionment plan or, if a plan is not timely filed, will be apportioned equally among P, T, and U.

§ 16.2 Statutory provisions; definitions; special rules.

Sec. 48. Definitions; special rules. . . .

(d) *Certain leased property.* A person (other than a person referred to in section 46(d)) who is a lessor of property may (at such time, in such manner, and subject to such conditions as are provided by regulations prescribed by the Secretary or his delegate) elect with respect to any new section 38 property to treat the lessee as having acquired such property for an amount equal to—

(1) If such property was constructed by the lessor (or by a corporation which controls or is controlled by the lessor within the meaning of section 368(c)), the fair market value of such property, or

(2) If paragraph (1) does not apply, the basis of such property to the lessor.

The election provided by the preceding sentence may be made only with respect to property which would be new section 38 property if acquired by the lessee. For purposes of the preceding sentence and section 46(c), the useful life of property in the hands of the lessee is the useful life of such property in the hands of the lessor. If a lessor makes the election provided by this subsection with respect to any property, the lessee shall be treated for all purposes of this subpart as having acquired such property. If a lessor makes the election provided by this subsection with respect to any property, then, under regulations prescribed by the Secretary or his delegate, subsection (g) shall not apply with respect to such property and the deductions otherwise allowable under section 162 to the lessee for amounts paid to the lessor under the lease shall be adjusted in a manner consistent with the provisions of subsection (g).

[Sec. 48(d) as added by sec. 2(b), Revenue Act of 1962 (76 Stat. 963)]

§ 16.2-1 Election of lessor of new section 38 property to treat lessee as purchaser.

(a) *In general.* Under section 48(d), a lessor of property may elect to treat the lessee of such property as having purchased such property for purposes of the credit allowed by section 38 (relating to investment in certain depreciable property) if the following conditions are satisfied:

(1) The property must be "section 38 property" (within the meaning of section 48(a)) in the hands of the lessor; that is, it must be property with respect to which depreciation (or amortization in lieu of depreciation) is allowable to the lessor, it must have a useful life of 4 years or more in his hands, and in every other respect it must meet the requirements of section 48(a). Thus, for example, property leased by a municipality to a taxpayer for use in what is commonly known as an "industrial park" is not eligible for the election since, under section 48(a)(5), property used by a governmental unit is not treated as section 38 property. In addition, property used by the lessee predominantly outside the United States is not eligible for the election since, under section 48(a)(2), such property is not section 38 property.

(2) The property must be "new section 38 property" (within the meaning of section 48(b)) in the hands of the lessor; that is, either (i) construction, reconstruction, or erection of the property must be completed by the lessor after

December 31, 1961, or (ii) the property must be acquired by the lessor after December 31, 1961, and the original use of such property must commence with the lessor and after such date.

(3) The property would constitute "new section 38 property" to the lessee if such lessee had actually purchased the property. Thus, the election is not available if the lessee is not the original user of the property. The lessee is not the original user of the property if it has been previously used by the lessor or another person, or if it is reconstructed or reconditioned property. However, for purposes of this subparagraph, the lessee will be considered the original user if he is the first person to use the property for its intended function. Thus, the fact that the lessor may have, for example, tested, stored, or attempted to lease the property to other persons will not preclude the lessee from being considered the original user.

(4) A statement of election to treat the lessee as a purchaser has been filed in the manner and within the time prescribed in paragraph (d) of this section.

(5) The lessor is not a person referred to in section 46(d); that is, a mutual savings bank, cooperative bank, or domestic building and loan association to which section 593 applies; a regulated investment company or real estate investment trust subject to taxation under subchapter M, chapter 1 of the Code; or a cooperative organization described in section 1381(a).

(6) The lessor and lessee do not join in filing a consolidated income tax return for a period which includes the date on which possession of the property is transferred to the lessee.

The election may be made on a property-by-property basis. If the conditions of this paragraph have been met, the lessee shall be treated for purposes of the credit allowed by section 38 as though he were the actual owner of the property. Thus, the lessee shall be entitled to the credit allowed by section 38 with respect to such property for the taxable year in which he places such property in service, and the lessor shall not be entitled to a credit allowed by section 38 with respect to such property. Moreover, if the leased property is disposed of by the lessee, or if it otherwise ceases to be section 38 property in his hands, the property will be subject to the provisions of section 47 (relating to early dispositions, etc.). However, the lessee will not be considered a lessor for purposes of this section if it subleases the property to another.

(b) *Basis of leased property.* (1) If a valid election is made under this section, the amount of qualified investment under section 46(c) with respect to the leased property shall be determined by reference to the basis of such property in the hands of the lessee. Unless subparagraph (2) of this paragraph applies, the basis of the property in the hands of the lessee shall be the basis of the property in the hands of the lessor.

(2) If the property was constructed by the lessor (or by a corporation which controls or is controlled by the lessor within the meaning of section 368(c)),

the basis of the property to the lessee shall be an amount equal to the fair market value of such property on the date possession is transferred to the lessee. The term "constructed" shall be given its commonly accepted meaning; that is, to build, manufacture, or erect something which did not theretofore exist. Thus, reconstruction, repairing, or reconditioning does not constitute "construction". However, it is not necessary that the materials used in construction be new in use.

(c) *Useful life of leased property.* The estimated useful life to the lessee of property subject to the election shall be deemed to be the estimated useful life in the hands of the lessor. The lessor shall determine the estimated useful life of each leased property on an individual basis even though multiple asset accounts are used. The lessee, however, may treat the property as having a useful life shorter than the lessor's useful life.

(d) *Manner and time for making election—*(1) *Manner of making election.* The election of a lessor shall be made by filing a statement with the lessee, signed by the lessor and including the written consent of the lessee, containing the following information:

(i) The name, address, and taxpayer account number of the lessor and the lessee;

(ii) The district director's office at which the income tax returns of the lessor and the lessee are filed;

(iii) A description of each property with respect to which the election is being made;

(iv) The date on which possession of the property (or properties) is transferred to the lessee;

(v) The estimated useful life category of the property (or properties) in the hands of the lessor; that is, 4 years or more but less than 6 years, 6 years or more but less than 8 years, or 8 years or more;

(vi) If the lessor (or a corporation which controls or is controlled by the lessor within the meaning of section 368(c)) constructed the property, the fair market value of the property as of the date possession of the property is transferred to the lessee, and in any other case, the basis of the property to the lessor.

(2) *Time for making election—*(i) *Property leased after November 20, 1962.* In the case of property possession of which is transferred by a lessor to a lessee after November 20, 1962, the statement referred to in subparagraph (1) of this paragraph shall be filed with the lessee on or before the 60th day after possession of the property is transferred to the lessee.

(ii) *Property leased on or before November 20, 1962.* In the case of property possession of which is transferred by a lessor to a lessee on or before November 20, 1962, the statement referred to in subparagraph (1) of this paragraph shall be filed with the lessee on or before January 21, 1963.

(3) *Election is irrevocable.* An election under this section shall be irrevocable as of the time the statement re-

ferred to in subparagraph (1) of this paragraph is filed with the lessee.

(e) *Record requirements.* The lessee shall attach the statement referred to in paragraph (d) (1) of this section to his income tax return for his taxable year in which the leased property is placed in service by him. The lessor shall attach to his income tax return a summary statement of all property leased during his taxable year with respect to which an election is made. Such summary statement shall contain the following information: (1) The name, address, and taxpayer account number of the lessor; and (2) in numerical account number order, each lessee's account number, name, and address, the useful life category of the property, and the basis or fair market value of the property, whichever is applicable. In addition, the lessor shall maintain records which permit specific identification of property with respect to which an election under this section is made.

(f) *Adjustment of rental deductions—*

(1) *In general.* If a lessor makes a valid election under this section, section 48(g) (relating to adjustments to basis of property) shall not apply to the lessor with respect to property subject to the election. Thus, the lessor is not required to reduce under section 48(g) (1) the basis of property with respect to which an election is made. However, if such an election is made the deductions otherwise allowable under section 162 to the lessee for amounts paid or accrued to the lessor under the lease shall be adjusted in the manner provided in this paragraph.

(2) *Decrease in rental deduction.* (i) The total of all deductions otherwise allowable under section 162 to the lessee for amounts paid or accrued to the lessor under the lease with respect to the leased property shall be decreased by an amount equal to the credit earned on the leased property. The "credit earned" on the leased property is determined by multiplying the qualified investment (as defined in section 46(c)) with respect to such property by 7 percent. Thus, the credit earned (and the decrease in deductions) is determined without regard to the limitation based on tax which, under section 46(a) (2), may limit the amount of the credit the lessee may take into account in any one year. For each year during a period equal to the shortest life of the useful life category used by the lessee in computing qualified investment under section 46(c) with respect to the leased property, the lessee shall decrease his deduction otherwise allowable under section 162 for such year with respect to such property. The decrease for each such year shall be equal to the credit earned divided by such shortest life, that is, 4, 6, or 8. Such decreases shall begin with the taxable year during which the lessee places the property in service. Thus, if leased property with a basis of \$30,000 to the lessee, and an estimated useful life falling within the 4 years or more but less than 6 years useful life category, is placed in service by the lessee within the lessee's taxable year ending December 31, 1963, the lessee must decrease his section 162 deduction with respect to the leased property for

the taxable year 1963 and for each of the 3 succeeding taxable years by \$175 (\$700 credit earned divided by 4).

(ii) To the extent that a required decrease is not taken into account for any taxable year because the deduction otherwise allowable under section 162 for such year with respect to the leased property is less than the required decrease for such year, then the balance of the required decrease not taken into account for such year shall reduce the amount otherwise allowable as a deduction with respect to such property for the next succeeding year (or years) for which a deduction is allowable with respect to such property. Thus, if the required decrease with respect to leased property is \$200 for 1963, but the lessee's deduction otherwise allowable for such year with respect to such property is only \$50, the balance of \$150 must be applied in the succeeding year (or years) to decrease any deduction otherwise allowable to the lessee with respect to the leased property for such succeeding year (or years).

(3) *Increase in rental deduction.* If in any taxable year section 47 applies (because of an early disposition, etc., of the leased property) to property which is subject to a valid election under section 48(d), and if as a result of the application of section 47 the lessee's tax for the taxable year is increased or a credit carryback or carryover is adjusted, then an appropriate increase in the lessee's deduction otherwise allowable under section 162 for such taxable year with respect to the leased property shall be made.

(g) *Example.* The provisions of this section may be illustrated by the following example:

Example. X Corporation is engaged in the business of manufacturing and leasing new and reconstructed equipment which in its hands has an estimated useful life of 10 years. After December 31, 1961, X Corporation constructs machine No. 1 at a cost of \$10,000 and reconstructs machine No. 2 at a cost of \$5,000. On June 30, 1964, Y Corporation, a calendar-year taxpayer, leases both machines from X Corporation and places them in service. The fair market value of machine No. 1 on the date on which possession is transferred to Y is \$15,000. Machine No. 1 would qualify as new section 38 property in Y's hands if it had been purchased by Y. If X elects to treat Y as the purchaser of machine No. 1, such machine will have a basis of \$15,000 in Y's hands and an estimated useful life falling within the 8 years or more category (assuming Y does not elect a shorter useful life) for purposes of determining Y's qualified investment. Y's credit earned with respect to the property is \$1,050 (7 percent of \$15,000). Y's deduction attributable to the leased property will be reduced by \$131.25 (credit earned of \$1,050 divided by 8) for its taxable year 1964 and for each of the 7 succeeding taxable years. The election is not available with respect to machine No. 2 since a reconstructed machine would not constitute new section 38 property if Y had purchased it. In such case, while X cannot make the election to treat Y as a purchaser, X would be entitled to a credit under section 38 based on its expenditure of \$5,000 as an investment in new section 38 property, since such amount represents cost of reconstruction after December 31, 1961.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to compute the limitation on the credit allowed by section 38 of the Code in case of members of an affiliated group, and how, when, and where a lessor of certain property may make an election to treat the lessee of the property as having purchased such property for purposes of the credit allowed by section 38 of the Code, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: November 15, 1962.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

[F.R. Doc. 62-11516; Filed, Nov. 19, 1962;
8:53 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (e) of § 6.110 is amended as set out below.

§ 6.110 Department of the Interior.

* * * * *

(e) *Office of Territories.* (1) Until December 31, 1963, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62-11502; Filed, Nov. 19, 1962;
8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (3) of paragraph (d) of § 6.313 are amended as set out below.

§ 6.313 Department of Labor.

* * * * *

(d) *Bureau of Employment Security.*
(1) Administrator.

* * * * *

(3) One Secretary (Stenography) in the Office of the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62-11503; Filed, Nov. 19, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On September 5, 1962, there was published in the FEDERAL REGISTER (27 F.R. 8832), a notice with respect to a proposal to amend § 74.3(a), Part 74, subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), § 74.3(a) of said Part 74 is hereby amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States and parts thereof are hereby designated as eradication areas:

(1) Illinois, Kentucky, Minnesota, New Jersey, New York, Pennsylvania, and Tennessee;

(2) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(3) In New Mexico: That portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other Counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union;

(4) All Counties in Hawaii except Honolulu and Kauai Counties;

(5) The following Counties in Kansas: Washington, Clay, Dickinson, Marion, Butler, Cowley, and all Counties in the State of Kansas lying east thereof.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21

U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds Washington, Clay, Dickinson, Marion, Butler, and Cowley Counties and all Counties lying east thereof, in the State of Kansas, to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in such Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR, Part 74, as amended, will apply to these Counties.

Done at Washington, D.C., this 14th day of November 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-11487; Filed, Nov. 19, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Colusa National Wildlife Refuge, California; Correction

In F.R. Doc. 62-10532, appearing on page 10297 of the issue for Saturday, October 20, 1962, paragraph (b) of § 32.12 should read as follows:

(b) Open season—All species: From one-half hour before sunrise to sunset on the following dates: October 27, 28, and 31; November 3, 4, 7, 10, 11, 12, 14, 17, 18, 19. From 12 noon to sunset December 8 and from one-half hour before sunrise to sunset December 9, 12, 15, 16, 19, 22, 23, 25, 26, 29, 30, and January 1, 2, 5, 6, 1963.

ABRAM V. TUNISON,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

NOVEMBER 14, 1962.

[F.R. Doc. 62-11479; Filed, Nov. 19, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-WA-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Transition Area

On August 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7651) stating

that the Federal Aviation Agency proposed to alter the El Paso, Tex., transition area.

No adverse comments were received regarding the proposed amendment.

Subsequent to the issuance of the Notice, Parts 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which will become effective December 12, 1962 (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, in § 71.181 (27 F.R. 220-139) the El Paso, Tex., transition area is amended to read:

El Paso, Tex.:

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°06'00" N., longitude 106°17'15" W.; to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'15" N., longitude 105°50'30" W.; to latitude 32°00'00" N., longitude 105°57'00" W.; to latitude 32°00'00" N., longitude 106°34'00" W.; to point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°09'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°06'15" N., longitude 105°50'30" W.; to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'30" N., longitude 106°17'15" W.; to point of beginning.

The portions of this transition area within R-5103A, R-5106 and R-5107A shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t. January 10, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 13, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-11472; Filed, Nov. 19, 1962; 8:46 a.m.]

[Airspace Docket No. 62-CE-44]

PART 73—SPECIAL USE AIRSPACE [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Restricted Area and Jet Route

On August 7, 1962, a notice of proposed rule making was published in the Fed-

ERAL REGISTER (27 F.R. 7797) stating that the Federal Aviation Agency was considering amendments to §§ 602.100 and 608.43 of the regulations of the Administrator which would alter the geographical boundaries of the Camp Ripley, Minn., Restricted Area R-4301 and realign that segment of Jet Route No. 32 between Aberdeen, S. Dak., and Duluth, Minn., to a direct route.

No adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, Parts 608 and 602 of the regulations of the Administrator have been re-codified into new Parts 73 and 75 respectively of the Federal Aviation Regulations which will become effective December 12, 1962 (27 F.R. 10352). The airspace actions taken herein reflect the new format and numbering system adopted for these Parts.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated herein and in the notice, the following actions are taken:

1. In § 73.43 Minnesota (27 F.R. 7345, 10352), R-4301 Camp Ripley, Minn., Restricted Area is amended to read:

R-4301 Camp Ripley, Minn.:

Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. May 1 through November 1.

Using agency. Adjutant General, State of Minnesota, Minneapolis, Minn.

2. In § 75.100 Jet Routes (27 F.R. 7304, 10352), the following change is made:

In the text of Jet Route No. 32 "Int of the Aberdeen 067° and the Duluth, Minn., 258° radials; Duluth;" is deleted and "Duluth, Minn.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 10, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-11471; Filed, Nov. 19, 1962; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

EDITORIAL NOTE: Sections 296.11 and 296.12, as published at page 250 in Title 14 (Parts 200-399) of the Code of Federal Regulations contain errors in the provisos to those sections. As corrected, §§ 296.11 and 296.12 read as follows:

§ 296.11 Exemption of air freight forwarders.

Subject to the other provisions of this part, air freight forwarders are hereby relieved from the provisions of section 610(a)(4) (Requirement of Air Carrier Operating Certificate) of Title VI of the Act, and from all provisions of Title IV of the Act, other than the following:

(a) Subsection 401(k)(3) (Compliance with Labor Legislation);

(b) Section 403 (Tariffs);

(c) Subsection 404(a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;

(d) Subsection 404(b) (Discrimination);

(e) Subsection 407(a) (Filing of Reports): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(f) Subsection 407(b) (Disclosure of Stock Ownership);

(g) Subsection 407(c) (Disclosure of Stock Ownership by Officers or Directors);

(h) Subsection 407(d) (Form of Accounts): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(d) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(i) Subsection 407(e) (Inspection of Accounts and Property);

(j) Section 408 (Consolidation, Merger and Acquisition of Control);

(k) Section 409 (Prohibited Interests);

(l) Section 410 (Loans and Financial Aid);

(m) Section 411 (Methods of Competition);

(n) Section 412 (Pooling and Other Agreements);

(o) Section 413 (Form of Control);

(p) Section 414 (Legal Restraints);

(q) Section 415 (Inquiry into Air Carrier Management); and

(r) Section 416 (Classification and Exemption of Carriers).

Provided, however, That the provisions of sections 403 and 404 shall not

be applicable insofar as they would otherwise prohibit any air freight forwarder from engaging in joint loading, as defined in § 296.1(c).

Provided, further, That the provisions of subsection 404(b) shall not be applicable insofar as they would otherwise prohibit the exercise, by any air freight forwarder, of its reserved option to act as either a forwarder or as agent of the shipper, in accordance with provisions of § 296.3.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737; 49 U.S.C. 1301)

§ 296.12 Exemption of cooperative shippers associations.

Subject to the other provisions of this part applicable thereto, cooperative shippers associations are hereby relieved from the provisions of section 610(a)(4) (Requirement of Air Carrier Operating Certificate) of Title VI of the Act, and from all provisions of Title IV of the Act, other than the following:

(a) Subsection 407(a) (Filing of Reports): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to cooperative shippers associations unless such rule, regulation, term, condition, or limitation expressly so provides;

(b) Subsection 407(b) (Disclosure of Stock Ownership);

(c) Subsection 407(c) (Disclosure of Stock Ownership by Officers or Directors);

(d) Subsection 407(e) (Inspection of Accounts and Property);

(e) Section 408 (Consolidation, Merger and Acquisition of Control);

(f) Section 409 (Prohibited Interests);

(g) Section 411 (Methods of Competition);

(h) Section 412 (Agreements);

(i) Section 413 (Form of Control);

(j) Section 414 (Legal Restraints);

(k) Section 415 (Inquiry into Air Carrier Management); and

(l) Section 416 (Classification and Exemption of Carriers).

Provided, however, That cooperative shippers associations shall remain subject to the requirements of sections 403 and 404 of the act insofar as they engage in joint loading except as defined in § 296.1(c).

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the act insofar as agreements relate to joint loading as defined in § 296.1(c);

Provided further, however, That unless the reserved option of any cooperative shippers association to act as an indirect air carrier or as agent of the shipper is exercised in accordance with the provisions of § 296.4, the provisions of subsection 404(b) shall be applicable insofar as they would otherwise prohibit the exercise of such option.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737; 49 U.S.C. 301)

Chapter III—Federal Aviation Agency
SUBCHAPTER E—AIR NAVIGATION REGULATIONS
 [Reg. Docket No. 1458; Amdt. 296]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peabody FM.....	Revere Int##.....	Direct.....	1400	T-dn %.....	300-1	300-1	200-1½
Revere Int##.....	BS LFR (Final).....	Direct.....	800	C-dn*.....	600-1	600-1	600-1½
				A-dn.....	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. All fixes may be supplemented by radar.

Procedure turn W side of crs, 031° Outbnd, 211° Inbnd, 1600' within 10 miles.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 234°—1.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing LFR, make a climbing left turn to 1500' on E crs of Boston LFR to East Boston Int#, hold east 1-minute right turns, 293° Inbnd.

CAUTION: 370' stack 1.2 miles SW of airport; 1349' BWZ-TV tower 10.5 miles WSW of airport, and 505' building 1.4 miles west of airport.

NOTE: Procedure restricted to aircraft capable of receiving LFR and VOR simultaneously.

% Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.

*800-foot ceiling required when circling west of the airport.

#East Boston Int: Int E crs Boston LFR and R-056 Whitman VOR.

#Revere Int: Int N crs BS LFR and E crs Bedford localizer.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., SABRAZ; Ident., BS; Procedure No. 1, Amdt. 8; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 7; Dated, 11 Aug. 62

SI-LFR.....	EVE-LFR.....	Direct.....	2000	T-dn.....	300-1	300-1	#200-1½
Port Gamble Int.....	EVE-LFR.....	Direct.....	2500	C-dn.....	600-2	600-2	600-2
				S-dn-34.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 326°—2.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing EVE-LFR, climb on the N crs EVE-LFR to 2500' within 10 miles or, when directed by ATC, turn left, climb to 3000' on the W crs EVE-LFR to Port Gamble Int.

CAUTION: Numerous jet aircraft activities conducted from airport and in immediate surrounding area.

#Takeoff minima 200-1½ authorized only for Runways 16 and 34.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603'; Fac. Class., MRLWZ; Ident., EVE; Procedure No. 1, Amdt. 2; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 1; Dated, 16 Dec. 61

Gage VOR.....	GA-LFR.....	Direct.....	3600	T-dn.....	300-1		
				C-dn.....	500-1		
				A-dn.....	800-2		

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 3600' within 10 miles.

Minimum altitude over facility on final approach crs, 3100'.

Crs and distance, facility to airport, 226°—1.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing LFR, climb to 3800' on SW crs within 20 miles.

City, Gage; State, Okla.; Airport Name, Municipal; Elev., 2223'; Fac. Class., SBRAZ; Ident., GA; Procedure No. 1, Amdt. 1; Eff. Date, 1 Dec. 62; Sup. Amdt. No. Orig.; Dated, 8 Sept. 62.

Needles VOR.....	ED-LFR.....	Direct.....	4700	T-d.....	1000-2	1000-2	1000-2
				T-n.....	1000-3	1000-3	1000-3
				C-d.....	1000-2	1000-2	1000-2
				C-n.....	1000-3	1000-3	1000-3
				A-d.....	1000-2	1000-2	1000-2
				A-n.....	1000-3	1000-3	1000-3

Procedure turn W side of N crs, 348° Outbnd, 168° Inbnd, 4700' within 13.0 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 196°—1.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left (E) climb to 7000' on N crs within 20 miles of LFR.

SHUTTLE: To 5000' on S crs within 20 miles.

NOTE: ADF procedure not authorized.

City, Needles; State, Calif.; Airport Name, Municipal; Elev., 990'; Fac. Class., BMRLZ; Ident., ED; Procedure No. 1, Amdt. 5; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 4; Dated, 12 Feb. 55

RULES AND REGULATIONS

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Red Hill FM.....	RA-LFR (Final).....	Direct.....	2700-d	T-dn*#.....	1000-2	1000-2	1000-2
Red Hill FM.....	RA-LFR (Final).....	Direct.....	3200-n	C-d.....	1500-2	1500-2	1500-2
				C-n*.....	2000-2	2000-2	2000-2
				A-dn*.....	2500-2	2500-2	2500-2

Procedure turn E side S crs, 170° Outbnd, 350° Inbnd, 4600' within 10 miles of Red Hill FM.

Minimum altitude over Red Hill FM on final approach crs, 4600'; over LFR, 2700'.

Crs and distance, Red Hill FM to airport, 350°—9.3 mi; RA-LFR to airport, 350°—1.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing RA-LFR, climb to 5000' on N crs within 13 miles of LFR, maintaining at least 500' per minute rate of climb. Return to Roanoke LFR at 5000'. If unable to maintain 500' per minute climb, notify ATC and make right turn, climbing to 5000' on S crs.

AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized due to local visibility conditions.

#For air carrier use only: 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR receiver required.

*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., SABRAZ; Ident., RA; Procedure No. 1, Amdt. 11; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 10; Dated, 31 Mar. 31

Rockford VHF Int.....	GG-LFR.....	Direct.....	5500	T-dn.....	300-1	300-1	200-1½
GEG-VOR.....	GG-LFR.....	Direct.....	4700	C-d.....	900-1	900-1	900-1½
Rodna VHF Int.....	GG-LFR.....	Direct.....	4700	A-dn.....	1000-2	1000-2	1000-2

Radar transitions and vectoring using Spokane Radar authorized in accordance with approved radar patterns.

When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LFR is required.

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 4700' within 10 miles.

Minimum altitude over facility on final approach crs, 4200'.

Crs and distance, facility to airport, 294°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFR, make a climbing left turn and climb to 4500' on W crs (all turns S side) within 20 miles of GG-LFR or, when directed by ATC, make a climbing left turn and climb on S crs to 5000' within 20 miles.

CAUTION: Radio tower 3188' 6.8 miles E of airport and 4.5 miles NNE of LFR. 4549' TV tower 6.5 miles E of LFR.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., SBRAZ; Ident., GG; Procedure No. 1, Amdt. 14; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 13; Dated, 15 Oct. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Smith VOR.....	LOM.....	Direct.....	1600	T-dn.....	300-1	300-1	200-1½
Fort Smith RBN.....	LOM.....	Direct.....	2200	C-d.....	600-1	600-1	600-1½
Int. FSM VOR R-214 and LOM brng 073°..	LOM via LOM Brng 073°.....	Direct.....	1600	C-n.....	600-2	600-2	600-2
				S-d-25.....	600-1	600-1	600-1
				S-n-25.....	600-2	600-2	600-2
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600' within 10 miles.

Minimum altitude over LOM inbnd final, 1500'.

Crs and distance, facility to airport, 253°—6.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing LOM, climb to 1800' on crs of 253° within 15 miles or, when directed by ATC, climb to 2500' direct to Fort Smith RBN.

AIR CARRIER NOTE: 300-1 required for takeoff on Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 11; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 10; Dated, 10 Nov. 62

Payette FM.....	ONO RBN.....	Direct.....	5000	T-dn.....	300-1	300-1	NA
				C-d.....	700-1	700-1	NA
				A-dn.....	1000-2	1000-2	NA

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 4000' within 10 miles. NA beyond 10 miles.

Minimum altitude over facility on final approach crs, 2900'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 4000' on crs of 140° Outbnd within 15 miles.

Major changes. Deletes transition from Int NW crs Boise LFR and Brng 280° to ONO RBN. Deletes procedure turn restriction.

City, Ontario; State, Oreg.; Airport Name, Ontario; Elev., 2190'; Fac. Class., MHW; Ident., ONO; Procedure No. 1, Amdt. 3; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 2; Dated, 23 Apr. 55

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
McCoy Int.	SL LOM	Direct	3000	T-dn	300-1	300-1	200-1½
Int EUG R-355 and 309° brng to LOM	SL LOM	Direct	2500	C-dn	800-1	800-1	800-1½
Crabtree Int.	SL LOM	Direct	3000	A-dn	800-2	800-2	800-2

Procedure turn S side of SE crs, 129° Outbnd, 306° Inbnd, 2500' within 10 miles. Nonstandard due to terrain south. (Final approach from holding pattern at SL LOM not authorized, procedure turn required.)

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 309°—4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, make climbing right turn, climb to 2500' direct to LOM, thence continue climb outbound on crs 129° from LOM within 10 miles. All turns on south side of crs.

CAUTION: Terrain and trees to 961' south through southwest of airport.

*No Air Traffic Control Tower; contact Salem Weather Bureau on 122.8 mc for current weather.

City, Salem; State, Oreg.; Airport Name, McNarry Field; Elev., 207'; Fac. Class., LOM; Ident., SL; Procedure No. 1, Amdt. 4; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 3; Dated 17 Oct. 59

GEG VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-1½
GG LFR	LOM	Direct	4500	C-dn	500-1	500-1	500-1½
Rockford VHF Int.	LOM	Direct	5500	S-dn-2L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Spokane Radar authorized in accordance with approved radar patterns.

When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.

Procedure turn north side of crs, 025° Outbnd, 205° Inbnd, 4500' within 10 miles. NA beyond 10 miles.

Shuttle to 4500' NE of LOM on 205° brng to LOM, right turns, 1 minute.

Minimum altitude over facility on final approach crs, 3600'.

Crs and distance, facility to airport, 205°—3.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb straight ahead to VOR and climb to 4000' on R-210 within 10 miles of VOR or, when directed by ATC, climbing right turn and return to LOM, climbing to 4500'.

CAUTION: High terrain N and E of airport. 3188' tower 4.8 miles SE of GE LOM. Terrain and tower 6031' 16 miles NE of LOM; 4549' TV tower 9.2 miles E of airport.

Other change: Deletes transition from Hayden Lake Int.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., LOM; Ident., GE; Procedure No. 1, Amdt. 2; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 1; Dated, 3 Sept. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Acorn Int.	OBK-VOR	Direct	2500	T-dn	300-1	300-1	200-1½
Beacon Int.	OBK-VOR	Direct	2500	C-dn	500-1	500-1	500-1½
Deerfield Int.	OBK-VOR	Direct	2000	A-dn	NA	NA	NA
Lakewood Int.	OBK-VOR	Direct	2200				

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on final approach inbound 3 miles from OBK-VOR.

Procedure turn N side of crs, 337° Outbnd, 157° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to airport, 157°—5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing OBK-VOR, make immediate left turn climb to 2500' and proceed to OBK-VOR via OBK-VOR R-140.

NOTES: Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Chicago; State, Ill.; Airport Name, Pal-Waukee; Elev., 642'; Fac. Class., BVORTAC; Ident., OBK; Procedure No. 1, Amdt. 6; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 5; Dated, 10 Nov. 62

Armstrong Int.	HRL VOR	Direct	1600	T-dn	300-1	300-1	NA
Armstrong Int.	Lasara Int#	Direct	2000	C-dn	400-1	500-1	NA
McAllen VOR	HRL VOR	Direct	1600	S-dn-17	400-1	400-1	NA
McAllen VOR	Lasara Int#	Direct	1600	A-dn	NA	NA	NA
Lasara Int#	Lyford Int** (Final)	Direct	1600				

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1600' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Crs and distance, facility to airport, 148°—5.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing HRL-VOR, climb to 1600' on R-148 HRL-VOR, then turn left, proceed direct to HRL-VOR, maintain 1600' on HRL-VOR R-328 within 20 miles.

CAUTION: 853' msl TV tower 4.5 miles and 1049' msl TV tower 5.5 miles SW of airport.

NOTES: 1. Weather service not available to general public. 2. Procedure not wholly contained within controlled airspace.

AIR CARRIER NOTE: 800-2 authorized for carriers having approval of their arrangements for weather service at this airport.

#Lasara Int: Int HRL-VOR R-328 and MFE-VOR R-035.

**Lyford Int: Int HRL-VOR R-328 and MFE-VOR R-050.

City, Harlingen; State, Tex.; Airport Name, Harlingen Municipal (Richards Field); Elev., 45'; Fac. Class., L-BVOR; Ident., HRL; Procedure No. 1, Amdt. 2; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 1; Dated, 10 Nov. 62

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Needles LFR	EED-VOR	Direct	4500	T-d	1000-2	1000-2	1000-2
				T-n	1000-3	1000-3	1000-3
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 4500' within 10 miles. NA beyond 10 miles.

Minimum altitude over facility on final approach crs, 3000'.

Crs and distance, facility to airport, 257°—7.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing EED-VOR, turn right and climb to 6000' on R-322 within 20 miles.

Other change: Eliminates shuttle.

City, Needles; State, Calif.; Airport Name, Municipal; Elev., 990'; Fac. Class., BVORTAC; Ident., EED; Procedure No. 1, Amdt. 3; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 2; Dated, 12 Feb. 55

				T-dn	300-1	300-1	200-1½
				C-dn	600-1	700-1	700-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 031° Outbnd, 211° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 211°—5.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing PKB-VOR or 2.0 miles after passing FM, make climbing left turn to 2500' and proceed direct to VOR. Hold north 1-minute right turns, 211° Inbnd.

*Do not descend to landing minimums until passed FM. If Fan Marker not received, minimums of 500-1 will apply.

City, Parkersburg; State, W. Va.; Airport Name, Wood County; Elev., 859'; Fac. Class., BVOR; Ident., PKB; Procedure No. 1, Amdt. 5; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 4; Dated, 8 July 61

Hale Int.	PVW-VOR	Direct	5000	T-dn	300-1	300-1	200-1½
Plainview Int.	PVW-VOR	Direct	5000	C-dn	600-1	600-1	600-1½
				S-dn-04	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 5000' within 10 miles.

Minimum altitude over facility on final approach crs, 5000'.

Crs and distance, facility to airport, 026°—6.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing PVW-VOR, climb straight ahead on R-026 to 5000' within 20 miles.

CAUTION: 125' grain storage tanks located on south boundary of airport.

City, Plainview; State, Tex.; Airport Name, Hale County; Elev., 3372'; Fac. Class., VOR; Ident., PVW; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Dec. 62

SVM-VOR	PTK-VOR	Direct	2500	T-dn	300-1	300-1	200-1½
FNT-VOR	PTK-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
Russell Int.	PTK-VOR (Final)	Direct	2200	A-dn*	NA	NA	NA

Procedure turn S side final approach crs, 274° Outbnd, 094° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 119°—4.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing PTK-VOR, make left climbing turn and return to PTK-VOR at 2400' or, when directed by ATC, make left climbing turn to 2400' on crs of 030° to PTK R-084, then proceed eastbound on PTK R-084 to Allen Int.

NOTE: All aircraft except scheduled air carriers obtain Detroit area current weather prior to IFR approach.

*800-2 alternate minimums authorized for air carriers with approved weather service at this airport.

City, Pontiac; State, Mich; Airport Name, Pontiac Municipal; Elev., 974'; Fac. Class., BVOR; Ident., PTK; Procedure No. 1, Amdt. 3; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 2; Dated, 22 July 61

N Philadelphia RBn	ARD-VOR	Direct	2000	T-dn	300-1	300-1	200-1½
Navy Willow Grove RBn	ARD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 261° Outbnd, 081° Inbnd, 2000' within 10 miles. (NA beyond 10 miles due to reception.)

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 081°—4.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing ARD-VOR, make a left climbing turn to 2000' and return to Yardley VOR. Hold east, 1-minute right turns, inbnd crs 288°.

City, Trenton; State, N.J.; Airport Name, Mercer County; Elev., 213'; Fac. Class., BVOR; Ident., ARD; Procedure No. 1, Amdt. 1; Eff. Date, 1 Dec. 62; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

				T-dn	300-1	300-1	NA
				C-dn	500-1	500-1	NA
				S-dn-18	500-1	500-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2400' within 10 miles.

Minimum altitude over facility on final approach crs, 2400'.

Crs and distance, facility to airport, 179°—5.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, make right turn, climb to 2400' direct to VLA VOR.

City, Vandalia; State, Ill.; Airport Name, Vandalia Municipal; Elev., 532'; Fac. Class., BVOR; Ident., VLA; Procedure No. 1, Amdt. 2; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 1; Dated, 26 Aug. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-----	300-1	300-1	
				C-d-----	400-1	500-1	
				C-n-----	400-2	500-2	
				S-dn-31-----	400-1	400-1	
				A-dn-----	800-2	800-2	

Procedure turn E side of crs, 128° Outbnd, 308° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 1600'.

Crs and distance, breakoff point to Runway 31, 310°—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing INL-VOR, make left climbing turn to 2800' on R-128 within 10 miles.

NOTE: 122.1 and 126.7 receivers remoted from INL-VOR to MSP FSS.

City, International Falls; State, Minn.; Airport Name, Falls International; Elev., 1180'; Fac. Class., BVOR; Ident., INL; Procedure No. TerVOR-31, Amdt. 3; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 2; Dated, 28 June 62

Red Hill FM-----	ODR-VOR (Final)-----	Direct-----	2700-d	T-dn*#-----	1000-2	1000-2	1000-2
Red Hill FM-----	ODR-VOR (Final)-----	Direct-----	3200-n	C-d-----	1500-2	1500-2	1500-2
Clifdale VOR-----	ODR-VOR-----	Direct-----	4900	C-n*-----	2000-2	2000-2	2000-2
				A-dn*-----	2500-2	2500-2	2500-2

Procedure turn E side S crs, 170° Outbnd, 350° Inbnd, 4600' within 10 miles of Red Hill FM.

Minimum altitude over Red Hill FM on final approach crs, 4600'.

Crs and distance, Red Hill FM to ODR-VOR, 350°—9.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing Red Hill FM (abeam RA-LPR), climb to 5000' on R-350 and return to ODR-VOR or, when directed by ATC, make right climbing turn, climbing to 5000' on R-170.

Alt. CARRIER NOTE: Sliding scale N.A. No reduction in landing minimums authorized due to local visibility conditions.

*For air carrier use only: 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR receiver required.

*Takeoffs on Runway 33 and landings on Runway 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR R-170, Amdt. 5; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 4; Dated, 27 Oct. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
34-mile DME Fix, R-158-----	20-mile DME Fix, R-158-----	Direct-----	9000	T-dn-----	300-1	300-1	200-1/2
20-mile DME Fix, R-158-----	15-mile DME Fix, R-158-----	Direct-----	7300	C-dn-----	500-1	500-1	500-1 1/2
15-mile DME Fix, R-158-----	10-mile DME Fix, R-158-----	Direct-----	6100	S-dn-34L-----	400-1	400-1	400-1
10-mile DME Fix, R-158-----	4.6-mile DME Fix, R-158-----	Direct-----	4600	A-dn-----	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn not authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6-mile DME Fix, R-158, make a left climbing turn, climb to 9000' on the R-248 SLC-VOR within 20 miles.

CAUTION: 5000' terrain 3 miles east of VOR. 4541' radio tower 3 miles southeast of VOR.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226'; Fac. Class., BVORTAC; Ident., SLC; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 1 Dec. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR (23-mi DME Fix IDL R-077).	Roslyn VHF INT#	IDL R-077 to 12-mi counter clockwise arc.	2000	T-dn	300-1	300-1	200-½
Roslyn VHF Int#	OM (Final)	Direct	1700	C-dn	500-1	500-1	500-½
Idlewild VOR	OM	Direct	1700	S-dn-22L*	200-½	200-½	200-½
Deer Park VOR	Roslyn VHF Int#	LGA R-101	2000	A-dn	600-2	600-2	600-2

Radar terminal area transition altitudes: All directions—within 25 miles, 2500'; E of NE/SW crs LaGuardia LFR—within 15 miles, 1500'.

Procedure turn E side of NE crs, 043° Outbnd, 223° Inbnd, 1700' within 10 miles of OM (nonstandard to avoid LGA traffic).

Minimum altitude at glide slope int inbnd, 1700'.

Altitude of glide slope and distance to approach end of runway at OM, 1690'—5.5 mi; at MM, 216'—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500' on SW crs ILS, make climbing left turn to 2000' on IDL R-190 to Sandy Hook VHF Int (19-mi DME Fix), hold south 1-minute right turns inbound course 010°.

CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278' stack 1.1 miles SSE of runway 4; 187' control tower on airport.

NOTE: DME Fixes—Line of sight.

*400-¾ required with glide slope inoperative.

#Roslyn Int: Int LGA VOR R-101 and IDL NE ILS crs (11.4-mi DME Fix IDL VOR R-042).

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS-22L, Amdt. 6; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 5; Dated, 27 Oct. 62

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 1300' within 10 miles of Barton Int*. Nonstandard due to Sanford NAS traffic to the north.

No glide slope.

Minimum altitude over Barton Int* on final approach crs, 1300'.

Crs and distance, facility to airport, 246°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Barton Int*, turn right, climb to 1700' on R-308 within 20 miles.

*Barton Int: Int E crs of localizer and 195° brng to McCoy RBN or 5.1-mi DME Fix on ORL R-065.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113'; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS-25, Amdt. Orig.; Eff. Date, 1 Dec. 62

McCoy Int	SL LOM	Direct	3000	T-dn	300-1	300-1	200-½
Int EUG R-355 and SE crs SLE ILS	SL LOM	Direct	2500	C-dn	800-1	800-1	800-½
Crabtree Int#	SL LOM	Direct	3000	S-dn-31*	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

Procedure turn S side of SE crs, 129° Outbnd, 309° Inbnd, 2500' within 10 miles. NA beyond 10 miles. (Final approach from holding pattern at SL LOM not authorized procedure turn required.)

Minimum altitude at glide slope int inbnd, 1600'.

Altitude of glide slope and distance to approach end of runway at OM, 1508'—4.0 mi; at MM, 470'—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing right turn, climb to 2500' on SE crs of ILS within 10 miles of SL LOM, all turns south side of crs.

CAUTION: Terrain and trees to 961' south through southwest of airport.

NOTE: No Air Traffic Control Tower; contact Salem Weather Bureau on 122.8 mc for current weather.

#Descent on glide slope to cross SL LOM at 1508' authorized.

*800' required when glide slope not used.

City, Salem; State, Oreg.; Airport Name, McNary Field; Elev., 207'; Fac. Class., ILS; Ident., I-SLE; Procedure No. ILS-31, Amdt. 5; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 4; Dated, 28 May 60

GEG-VOR	LOM	Direct	4500	T-dn*	300-1	300-1	200-½
GG-LFR	LOM	Direct	4500	C-dn	500-1	500-1	500-½
Rockford VHF Int	LOM	Direct	5500	S-dn-21**	200-½	200-½	200-½
Hayden Lake Int	LOM	Direct	6000	A-dn	600-2	600-2	600-2

Radar transitions and vectoring using Spokane Radar authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.

Procedure turn N side of NE crs, 025° Outbnd, 205° Inbnd, 4500' within 10 miles. Beyond 10 miles NA.

Final approach from holding pattern at GE LOM not authorized, procedure turn required.

Shuttle to 4500' NE of LOM on NE crs of localizer, right turns, 1 minute.

Minimum altitude at glide slope int inbnd, 3600'.

Altitude of glide slope and distance to approach end of runway at LOM, 3510'—3.9 miles; at LMM, 2560'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to the GEG-VOR and climb to 4000' on R-210 within 10 miles of GEG-VOR or, when directed by ATC, (1) make a climbing right turn and climb to 4500' on R-271 within 20 miles or, (2) make a climbing right turn, return to the LOM at 4500'.

CAUTION: Terrain and tower 6031' 16 miles NE of LOM; high terrain north through east of airport; 3188' tower 4.8 miles SE of GE LOM; 4549' TV tower 9.2 miles E of airport.

*Runway visual range 2600' also authorized for takeoff on Runway 21 in lieu of 200-½ when 200-½ is authorized provided high intensity runway lights are operational.

**Runway visual range 2600' also authorized for landing on Runway 21, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 2872' MSL shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS-21, Amdt. 4; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 3; Dated, 27 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bradley Int.	Bradley LMM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn E side NE crs, 058° Outbnd, 238° Inbnd, 2200' within 13 miles of the Bradley LMM, but NE of Thompson Int.*

Minimum altitude crossing Thompson Int* on final approach crs, 1400'.

No glide slope. No outer marker or middle marker.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on the SW crs of the BDL ILS. Hold SW of BDL LOM, left turns, 1-minute pattern, 058° Inbnd.

NOTES: 1. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. 2. All fixes may be supplemented by radar. 3. Descent to published minimums authorized after passing Thompson Int* on final approach.

CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768' msl.

*Thompson Int: Int NE crs BDL ILS and R-163 BAF VOR.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173'; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-24, Amdt. 1; Eff. Date, 1 Dec. 62; Sup. Amdt. No. Orig.; Dated, 28 July 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
330	045	Within:	2400				
330	045	20 mi	*1800	T-dn	300-1	300-1	200-½
295	330	10 mi	2000	C-dn#	500-1	500-1	500-1½
295	330	20 mi	1800	C-dn-4, 22	600-1	600-1	600-1½
045	295	10 mi	*1800	S-dn#	500-1	500-1	500-1
		20 mi		A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-9	200-½	200-½	200-½
				A-dn-9	600-2	600-2	600-2

Radar terminal area transition altitudes. All bearings are from the radar site with sector azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1800' and proceed to LOM or, when directed by ATC, climb to 1800' on Westchester VOR R-104 to Echelon Int, hold SW 1-minute left turns, inbound course 052°.

*Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of towers 1369' MSL 9 miles north and 1049' MSL 10 miles SE of airport.

#Runways 9, 17, 27, 35.

City, Philadelphia; State, Pa.; Airport Name, Philadelphia International; Elev., 14'; Fac. Class. and Ident., Philadelphia Radar; Procedure No. 1, Amdt. 6; Eff. Date, 1 Dec. 62; Sup. Amdt. No. 5; Dated, 30 Sept. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10933; Filed, Nov. 19, 1962; 8:54 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55754]

PART 6—AIR COMMERCE REGULATIONS

Designation of Del Rio International Airport, Del Rio, Texas, as an Inter- national Airport

Under the authority of section 1109 (b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), Del Rio International Airport, Del Rio, Texas, is hereby designated as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301(33)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER and § 6.13 of the Customs regulations is amended to include the location and name of this airport.

Notice of the proposed designation of the Del Rio International Airport, Del Rio, Texas, as an international airport was published in the FEDERAL REGISTER on October 5, 1962 (27 F.R. 9844), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

The designation of this airport is based upon a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with Customs requirements. It is, therefore, desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, as amended, sec. 1109, 72 Stat. 799; 5 U.S.C. 22; 49 U.S.C. 1509) [FM 192-26.31 W]

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: November 9, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the
Treasury.

[F.R. Doc. 62-11501; Filed, Nov. 19, 1962;
8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Adminis- tration, Department of Health, Edu- cation, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplement

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Central Soya Company, Inc., 300 Fort Wayne Bank Building, Fort Wayne

2, Indiana, and other relevant data, has concluded that the food additive regulations should be amended to provide for the use of polysorbate 80 as a component of animal feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart C the following new section.

§ 121.235 Polysorbate 80.

The food additive polysorbate 80 may be safely used as an emulsifier in milk-replacer formulations for calves.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 13, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-11499; Filed, Nov. 19, 1962;
8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplement

POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE)

The Commissioner of Food and Drugs, having evaluated data in petition filed by Central Soya Company, Inc., 300 Fort Wayne Bank Building, Fort Wayne 2, Indiana, and other relevant data, has concluded that the food additive regulations should be amended to provide for the use of polysorbate 60 as a component of animal feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart C the following new section.

§ 121.236 Polysorbate 60 (polyoxyethyl- ene (20) sorbitan monostearate).

The food additive polysorbate 60 may be safely used as an emulsifier in calf milk replacer formulations.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 13, 1962.

JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 62-11498; Filed, Nov. 19, 1962;
8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

NIHYDRAZONE (5-NITRO-2-FURALDEHYDE ACETYLHYDRAZONE)

1. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by the Norwich Pharmacal Company, P.O. Box 191, Norwich, New York, and Hess and Clark Company, Division of Richards and Merrill, Inc., Seventh and Orange Streets, Ashland, Ohio, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of nihydrazone in chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to subpart C the following new section:

§ 121.237 Nihydrazone.

Nihydrazone may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) The additive is the chemical 5-nitro-2-furaldehyde acetylhydrazone.

(b) It is used or intended for use as prescribed in the following table:

NIHYDRAZONE IN FINISHED CHICKEN FEED

Principal ingredient	Grams per ton	Limitations	Indications for use
1. Nihydrazone.....	100	For broilers: For replacement chickens not over 14 weeks of age; not for laying chickens.	Prevention of chronic respiratory disease (air-sac infection).
2. Nihydrazone.....	100	do.....	In the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection and assist in maintaining weight gains and feed efficiency.
3. Nihydrazone.....	100	do.....	Prevention of pullorum disease; fowl typhoid; paratyphoid (salmonellosis); coccidiosis caused by <i>E. tennella</i> , <i>E. necatrix</i> , <i>E. maxima</i> , and <i>E. brunetti</i> ; and histomoniasis (blackhead).

(c) To assure safe use, the label and labeling of the additive and any intermediate premix shall bear, in addition to the other information required by the act, the following:

- (1) The name of the additive.
- (2) A statement of the quantity of the additive contained therein.
- (3) Adequate directions and warnings for use including a statement to the effect that poultry that have survived salmonella outbreaks should not be kept for lay house replacements or breeders unless tests show that they are not carriers.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens have received feed treated with nihydrazone in accordance with § 121.237, tolerance limitations are required in order to assure that the edible tissues and byproducts of chickens are safe for human consumption. Therefore, subpart D is amended by adding thereto the following new section:

§ 121.1163 Nihydrazone.

A tolerance of zero is established for residues of the food additive nihydrazone (5-nitro-2-furaldehyde acetylhydrazone) in the uncooked edible tissues and byproducts of chickens.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

No. 225—3

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

Dated: November 14, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-11495; Filed, Nov. 19, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TOLERANCES FOR RESIDUES OF
CHLORTETRACYCLINE

There was published in the FEDERAL REGISTER of September 28, 1962 (27 F.R. 9626), notice of a proposal to amend § 121.1014 (21 CFR 121.1014; 27 F.R. 2314, 2733) of the food additive regulations. No comments were received. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (d)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 121.1014 *Tolerances for residues of chlortetracycline* is amended by inserting after paragraph (a)(2) the following sentence: "Residues established in subparagraphs (1) and (2) of this paragraph may be in addition to residues of chlortetracycline in chicken tissues provided for in § 120.117(a) of this chapter."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (d))

Dated: November 14, 1962.

JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 62-11500; Filed, Nov. 19, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OLEYL PALMITAMIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP No. 892) filed by Fine Organics, Inc., 205 Main Street, Lodi, New Jersey, and other relevant material, has concluded that the following regulation should issue with respect to oleyl palmitamide as a release agent in polymeric resins that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2559 Oleyl palmitamide.

Oleyl palmitamide may be safely used as a mold-release and slip agent in polymeric resins that contact food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 14, 1962.

JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 62-11496; Filed, Nov. 19, 1962; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin-Streptomycin (Dihydrostreptomycin) Dental Cones; Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.71) are amended by adding to § 146a.71(a) a new subparagraph (3) reading as follows:

§ 146a.71 Penicillin-streptomycin dental cones; penicillin-dihydrostreptomycin dental cones.

(a) * * *

(3) An expiration date of 48 months or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him conforms with the standards prescribed in subparagraphs (1) and (2) of this paragraph.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 14, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-11497; Filed, Nov. 19, 1962;
8:50 a.m.]

Title 24—HOUSING AND
HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO
CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.27(a)(4) subdivision (iii) is amended to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) * * *

(4) * * *

(iii) Refinancing an existing indebtedness secured by the property owned by the mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19 paragraph (g) is amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(g) *Mortgagor's equity investment—*
(1) *Amount and deposit.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to 3 percent of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such 3 percent and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

(2) *Cutoff date.* The provisions of subparagraph (1) of this paragraph shall be applicable only to those mortgages which have received final endorsement on or before November 15, 1962.

Subpart B—Contract Rights and Obligations

In § 207.252 paragraph (d) is amended to read as follows:

§ 207.252 First, second and third premiums.

* * * * *

(d) Until the mortgage is paid in full, or until an assignment of the mortgage to the Commissioner is filed for record, or until a deed of the property to the Commissioner is filed for record, or until the contract of insurance is otherwise

terminated with the consent of the Commissioner, the mortgagee on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Projects

In § 213.258 paragraph (a) is amended to read as follows:

§ 213.258 Subsequent annual premiums.

(a) Until the mortgage is paid in full, or until an assignment of the mortgage to the Commissioner is filed for record, or until a deed of the property to the Commissioner is filed for record, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

In § 220.50(a)(4) subdivision (iii) is amended to read as follows:

§ 220.50 Maximum charges, fees or discounts.

(a) * * *

(4) * * *

(iii) Refinancing an existing indebtedness secured by the property owned by the mortgagor.

Subpart D—Contract Rights and Obligations—Projects

In § 220.804 paragraph (f) is amended to read as follows:

§ 220.804 Insurance premiums.

* * * * *

(f) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or

until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one-half of one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.531 paragraph (d) is amended to read as follows:

§ 221.531 Supervision applicable to general mortgagors.

(d) *Mortgagor's equity investment.*—(1) *Amount of deposit.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to three percent (3%) of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such three percent (3%) and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

(2) *Cutoff date.* The provisions of subparagraph (1) of this paragraph shall be applicable only to those mortgages which have received final endorsement on or before November 15, 1962.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In Part 232 there is added to the Table of Contents a new heading as follows:

Sec. 232.25a Eligibility of property.

Part 232, Subpart A is amended by adding a new § 232.25a as follows:

§ 232.25a Eligibility of property.

A mortgage to be eligible for insurance shall be on real estate held:

- (a) In fee simple; or
- (b) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or
- (c) Under a lease having a period of not less than fifty-five years to run from the date the mortgage is executed.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 608.252 paragraph (b) is amended to read as follows:

§ 608.252 Annual mortgage insurance premiums.

(b) Until the mortgage is paid in full, or until an assignment of the mortgage to the Commissioner is filed for record, or until a deed of the property to the Commissioner is filed for record, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(Sec. 607, 55 Stat. 61; 12 U.S.C. 1742. Interpret or applies sec. 608, 56 Stat. 303; 12 U.S.C. 1743)

Issued at Washington, D.C., November 15, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-11507; Filed, Nov. 19, 1962; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1007—CONTRACT CLAUSES

PART 1008—TERMINATION OF CONTRACTS

Miscellaneous Amendments

Subchapter W of Title 32 is amended as follows:

In Part 1007—Contract Clauses, the following amendments are made:

In Subpart LL—Basic Agreement Provisions:

§§ 1007.3801, 1007.3802-1 [Amendment]

In §§ 1007.3801 and 1007.3802-1 change the reference to: § 1003.410-1 of this subchapter.

In Subpart NN—Special Clauses:

§§ 1007.4028, 1007.4038, 1007.4039, 1007.4040 [Amendment]

1. In § 1007.4028(b), change the reference to: § 1003.409(b)(4); in § 1007.4038, change the reference to: § 1003.404-3; in § 1007.4039, change the first reference to: § 1003.409(c), and the second reference to: § 3.409(c), and in the Note, change the reference to: § 3.409(c)(1); and in § 1007.4040, change the reference to: § 1003.409-50.

2. Revise §§ 1007.4048 and 1007.4058 as follows:

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) All contracts, except as provided in paragraph (b) of this section, including letter contracts for (1) manufacture of ammunition, explosives, acids, fuels, propellants, hazardous chemicals and other materials of an explosive, corrosive, flammable, combustible, toxic, radioactive¹, oxidizing nature or so magnetic as to affect aircraft navigation systems or are otherwise of dangerous nature (hereinafter referred to as dangerous materials) and (2) any other contract that may involve the development, testing, storage, manufacture, packaging, transportation, handling, disposal, or use of such dangerous materials will contain the following clause in the schedule:

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (AUG. 1962)

(a) For purposes of this clause, dangerous materials shall be deemed to include ammunition, explosive, acids, fuels, propellants, hazardous chemicals, and other material of an explosive, corrosive, flammable, combustible, toxic, radioactive, oxidizing nature, or so magnetic as to affect aircraft navigation systems or of an otherwise dangerous nature.

(b) The Contractor shall comply with the applicable portions of AF Technical Orders 11C-1-6, 42B1-1-6, 00-110N-3; AF Manuals 32-6, 71-4, 75-2; AF Regulation 86-6; and Manufacturing Chemists' Association, Inc., Manual L-1, entitled "Warning Labels," in addition to local, state and federal ordinances, laws, and codes, including latest changes, revisions and/or supplements thereto, in effect on the date of this contract, in the development, testing, storage, manufacture, packaging, transportation, handling, disposal, or use of government or contractor owned dangerous materials, which may affect the performance of this contract, whether such performance is on premises controlled by the Government or otherwise. The Contractor shall comply with the requirement for shippers certificate in accordance with AFM 71-4 if shipment of dangerous materials is to be made by military air or to an aerial port of embarkation. The Contractor shall also comply with any additional safety measures required by the Contracting Officer with regard to such dangerous materials; provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, and equitable adjustment will be made in accordance with the clause hereof entitled "Changes."

(c) The Contractor agrees to insert in every subcontract hereunder which may involve the development, testing, storage,

¹ If radio-active material is involved, the clause set forth in § 1007.4053 will also be included.

manufacture, packing, transporting, handling, disposal or use of dangerous materials, as defined in paragraph (a) above, the substance of the foregoing paragraphs (a) and (b).

(b) The foregoing clause may be omitted from contracts when in the opinion of the procuring activity it is more advantageous to the Government that applicable portions of the referenced T.O.s, manuals, and regulations be specifically set forth in such contracts and the contract is prepared accordingly.

§ 1007.4058 Current reimbursement.

The following clause will be inserted in cost type letter contracts when it is desired to currently reimburse the contractor for costs incurred during the term of the letter contract (see § 1003.408 of this subchapter).

CURRENT REIMBURSEMENT (SEPT. 1961)

* * * * *

§§ 1007.4049, 1007.4062 [Deletion]

3. Sections 1007.4049 and 1007.4062 are deleted.

§§ 1007.4061, 1007.4064 [Amendment]

4. In § 1007.4061 amend the word "materiel" in the heading and in line 5 of clause paragraph (c) to "material," and in § 1007.4064 amend the reference "§ 1003.406-3(b)" to "§§ 1003.404-2 and 1003.404-4 of this subchapter)."

In Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities:

Revise § 1007.4205, the introduction and clause date of § 1007.4205-1, and §§ 1007.4208-5, 1007.4208-6, and 1007.4210 as follows:

§ 1007.4205 Variations and omissions of clauses.

The words "United States" will be inserted before the word "Government" wherever the latter word appears in any clause, except where the word "Government" refers to a different, named government. In the case of any Government-to-government contract, the word "Contractor" wherever it appears in any clause will be replaced by the phrase "----- Government" with the name of the other contracting government inserted. The following instructions control the use of the clauses listed in the following sections in any contract issued by a foreign procurement activity. Requests by foreign procurement activities for deviations from the content of clauses set forth in Subchapter A, Chapter I of this title or this subchapter, or from requirements for their use, will be forwarded to AMC (MCPC), according to § 1001.109 of this subchapter.

§ 1007.4205-1 Definitions.

The following clause will be used in lieu of § 7.103-1 of this title:

DEFINITIONS (OCT. 1957)

* * * * *

§ 1007.4208-5 Government - furnished property.

According to the requirements of § 13.502 of this title, insert the clause required by § 1007.602-51.

§ 1007.4208-6 Approval of subcontracts.

If the contract price is in excess of \$2,000, insert the clause in § 1007.602-52.

§ 1007.4210 Construction contracts; special provisions.

(a) Insert the special provisions as set forth in § 1007.650, except that the following special provisions will be omitted: 1-07, Standard Test, Quality and Guarantees; 1-08, Preservation of Existing Vegetation; 1-17, Shop Drawings; 1-20, Domestic Articles; 1-18, Rates of Wages. The words "U.S. Standard Form 23 attached hereto" and "Standard Form 23 attached hereto" will be omitted from SP 1-01(a) and SP 1-01(c) and will be replaced by "the Statement of Work on the cover sheet" and "on the cover sheet as the amount of contract," respectively. Contracting officers may omit any of the other special provisions in § 1007.650 that cannot be complied with because of local conditions. In all of these special provisions the words "United States" will be inserted before the word "Government" whenever the latter word appears.

(b) Additional special provisions may be inserted according to the necessities of the construction work called for by the contract, provided that no clause contained in Subchapter A, Chapter I of this title or this subchapter will be included in such special provisions. Additional special provisions will be prepared by the Civil Engineering Office.

In Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts:

Add §§ 1007.4303-19, 1007.4303-20 and 1007.4307-3, as follows:

§ 1007.4303-19 Responsibility of the contractor.

RESPONSIBILITY OF THE CONTRACTOR (JUNE 1962)

Notwithstanding any review, acceptance or approval by the Government, the Contractor shall be responsible for the professional and technical quality of all designs, drawings, specifications and other material produced under this contract, for the professional quality and adequacy of the services and material furnished; and for compliance with design criteria specified by the Government for use under this contract.

§ 1007.4303-20 Certification of drawings and other documents.

CERTIFICATION OF DRAWINGS AND OTHER DOCUMENTS (JUNE 1962)

The Contractor, or his authorized representative, shall sign the original tracings of all drawings and the first page of all specifications, estimates, or similar documents under the Contractor's printed name and over the affixed replica for his professional seal or his registration certificate number, including the state or jurisdiction issuance.

§ 1007.4307-3 Interest.

In accordance with the requirements of §§ 163.118 and 163.119, Subpart F, Subchapter E of this title, insert the clause set forth in § 163.118.

In Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts:

Revise §§ 1007.4503-6 and 1007.4505 to read as follows:

§ 1007.4503-6 Federal, State and local taxes.

According to the instructions in § 11.401 of this title insert the appropriate clause.

§ 1007.4505 Additional clauses.

Clauses appearing in § 7.105 of this title and § 1007.105 and the following clauses will be used according to pertinent instructions.

In Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts:

Revise § 1007.4604-11 to read as follows:

§ 1007.4604-11 Priorities, allocations and allotments.

According to the requirements of § 1.307-2 of this title, insert the clause set forth in § 7.104-18 of this title.

In Subpart WW—Clauses for Basic Agreements for Communication Services:

§ 1007.4903-1 [Amendment]

In § 1007.4903-1, in paragraph (c) of the clause, line 26, insert the word "discontinues" between "Contractor" and "furnishing."

In Subpart XX—Clauses for Food Service Contracts:

§§ 1007.5003-1, 1007.5005, 1007.5005-1 [Amendment]

In § 1007.5003-1 *Scope of work*, add the date "June 1960" to the title of the clause in paragraph (b); in § 1007.5005 amend the title to read: Schedule clauses; and in § 1007.5005-1, delete the words: "as prescribed in § 1053.1806(c) of this chapter."

In Part 1008—Termination of Contracts, the following amendments are made:

In Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts:

1. In § 1008.200, revise paragraphs (f) and (g) as follows:

§ 1008.200 Scope of subpart.

* * * * *

(f) The handling of unadjusted contractual changes (UCCs) in termination settlements.

(g) The application of termination settlement procedures to terminated subcontracts resulting from contract modifications in prime contracts.

2. In § 1008.200-50, change the symbols "AMC (MCPK)" in the last line of paragraph (a) to read: "(ASXKK), WPAFB, Ohio," and revise the heading and the introductory paragraph to read as follows:

§ 1008.200-50 Delegation of authority to AFSC and AFLC.

The following duties and authorities are hereby delegated to the Commander, AFSC, and the Commander, AFLC, with power of redelegation to be exercised subject to the provisions of Subchapter A, Chapter I of this title and this subchapter, and other pertinent publications and directives as now or hereafter published.

3. Revise § 1008.200-51 to read as follows:

§ 1008.200-51 Delegation of authority.

(a) The authorities vested in the Commander, AFSC, as set forth in § 1008.200-50, are hereby delegated with power of redelegation to the Deputy Chief of Staff, Procurement and Materiel, Hq AFSC.

(b) The authorities vested in the Deputy Chief of Staff, Procurement and Materiel, Hq AFSC, pursuant to paragraph (a) of this section, are hereby delegated with power of redelegation to the Director of Procurement, Hq AFSC, and in his absence, the Acting Director of Procurement, Hq AFSC.

(c) The authorities vested in the Director of Procurement, Hq AFSC, pursuant to paragraph (b) of this section, are hereby redelegated with power of further redelegation, to the Deputy Director of Procurement, Hq AFSC.

(d) The authorities vested in the Commander, AFLC, as set forth in § 1008.200-50, are hereby delegated with power of redelegation to the Director of Procurement and Production, Hq AFLC, and in his absence, the Acting Director of Procurement and Production, Hq AFLC.

§§ 1008.200-52—1008.200-54, 1008.206, 1008.207, 1008.208-4—1008.211-4, 1008.253, 1008.254 [Deletion]

4. Delete §§ 1008.200-52 through 1008.200-54, 1008.206, 1008.207, 1008.208-4 through 1008.211-4, 1008.253 and 1008.254.

5. In § 1008.200-55(b), revise subparagraphs (3) and (4) as follows:

§ 1008.200-55 AF contracts executed without termination clauses.

* * * *

(b) * * *

(3) If the contractor declines to agree upon a termination of the contract in the manner set forth in subparagraph (2) of this paragraph, the contracting officer will submit the matter promptly for advice and instructions to the Terminations Branch (ASXKKC), WPAFB, Ohio. Where time is of the essence, submission of the matter by telephone or telegram is authorized. ASXKKC will advise the requesting officer whether the contract will be terminated. If termination is desired, ASXKKC will furnish the requesting officer with the type of termination notice to be sent to the contractor. In reviewing such matters, reviewing authorities should consider all factors, particularly: (i) Whether the termination, if effected, will constitute a breach of contract by the Government, (ii) what the dollar amount of a potential liability may amount to, and (iii) whether, when taken in perspective, the action will be economically beneficial to the Government.

(4) Where a contractor declines to agree upon a termination of the contract in the manner set forth herein the case of contracts that come under the cognizance of major overseas commands, air attachés, AF foreign missions, APRE, and FEAPR, the matter will be submitted for advice and instruction to the com-

manders, air attachés, or chiefs of AF foreign missions, or their designated representatives.

6. In § 1008.200-56, revise the opening portion of paragraph (b) and paragraph (c), as follows:

§ 1008.200-56 Approval of significant terminations by Hq USAF.

* * * *

(b) The following information will be submitted to Hq USAF (AFSPM-PO) through AFSC (ASXKKC) WPAFB, Ohio, in requesting prior approval for such terminations.

* * * *

(c) It is essential that this approval be requested as far in advance as possible to expedite coordination and to prevent delays in termination actions. Information will be released only on a need to know basis until the proper clearance has been received from Hq USAF.

7. Revise §§ 1008.201 and 1008.202-50 through 1008.202-53 to read as follows:

§ 1008.201 Authority of contracting officers.

Duly appointed contracting officers (see § 1001.454 of this subchapter) may be designated to terminate contracts for the convenience of the Government and to enter into settlement agreements within the scope of the authority delegated. Any contracting officer exercising any portion of the convenience termination of settlement function will be furnished:

(a) AFPI Form 77, "Certificate of Air Force Contracting Officer" which, in addition to any other requirements, will specify whether such authority pertains solely to terminating contracts for convenience of the Government, solely to settling terminations, or includes both functions, or, in the alternative;

(b) In addition to AFPI Form 77 (without aforementioned specification) a Letter of Authority that will specify whether such authority pertains solely to terminating contracts for convenience of the Government, solely to settling terminations, or includes both functions.

§ 1008.202-50 Termination of AF contracts.

This section sets forth procedures and responsibilities for initiating and processing the termination of AF contracts for the convenience of the Government, except facility contracts and leases which are covered in § 1008.202-51.

(a) *General.* (1) When any part of the supplies or services called for under a contract are to be terminated and the contractor is obligated to continue further work under the contract, the deletion will be processed as a partial termination.

(2) When the supplies or services called for under the contract are to be terminated in their entirety or if the termination of a part of the supplies or services would result in the contractor not being required to perform any further work, the deletion will be processed as a complete termination.

(3) Changes in the scope of supplies or services called for under the contract

which result from engineering changes or contract modifications will be handled according to other provisions of this subchapter.

(4) On centrally procured items, termination should normally be taken only when the estimated cost of supplies or services to be terminated exceeds \$1,000; on locally procured items, \$300. However, if the termination action can be effected at "no-cost" to the Government, then the termination may be accomplished where the cost of supplies and services involved would be less than \$1,000 or \$300 respectively. These criteria apply to all activities including those overseas.

(5) While no hard-and-fast rules can be formulated on an overall basis as to when supplies or services should be terminated, the following criteria are relevant to the decision and should be considered in arriving at a decision to terminate:

(i) Items which are on order, undelivered, but for which, as far as can be foreseen, the Air Force will have no use, should normally be terminated.

(ii) If the undelivered portion of a contract comprises small quantity and dollar value, the policies in subparagraph (4) of this paragraph should normally be followed and the small quantity accepted; this is particularly true if the costs of the termination would be disproportionate to the contract price of the items concerned.

(iii) The probable amount of the net settlement (as distinguished from the gross settlement) and the consequent net reduction in total contract price; the type and nature of the termination inventory which will be involved; and the possible utilization, diversions, and recoveries from sales and other dispositions should also be considered.

(iv) Whether adequate stocks of supplies of the items being considered for termination exists.

(v) Possible obsolescence (present or future) of the items, plus costs and operational burdens of receiving and storage in lieu of termination.

(vi) Probable additional costs and operational burdens to the Air Force in connection with any termination inventories which might require storage.

(b) to (f) [Reserved]

(g) *Preparation of notice of termination.* A priority Telegraphic Notice of Termination (Western Union Telegram—Request Written Report Delivery) as set forth in § 8.801-1 of this title will be used to notify the contractor of a convenience termination except when factors such as amount of contract, distance involved, effective date of termination, and status of contract indicate that the use of a Letter Notice of Termination as set forth in § 8.801-2 of this title will not result in additional termination costs. Subsequent to transmittal of a Telegraphic Notice of Termination, a confirming Letter Notice of Termination as set forth in § 8.801-2 will be sent (Registered Mail—Return Receipt) to the contractor, but in the case of the termination of a basic call contract under which no calls have been issued, only paragraphs 1, 8, and 9 of the confirming

letter will be used. A letter Notice of Termination, original or confirming, will contain an acknowledgment of Notice in duplicate. When executed and returned by the contractor, the two acknowledge copies will be proof of service, or personal service may be made upon a responsible representative, and a proof of service indicating the date of service will be executed. The Notice of Termination should inform the contractor of the office to which any inquiries relative to the termination should be addressed. Where a termination case is referred for settlement at the time the contract is terminated, the office to which the case is referred should be set forth in the Notice of Termination. Where the termination case is referred to another office subsequent to issuing the Notice of Termination, the contractor should be so informed. The termination contracting officer in the office that issued the Notice of Termination will be responsible for sending a copy of the convenience termination notice to each of the following:

(1) Any assignee of record who has filed a proper notice of assignment with respect to the terminated contract. (§ 8.202 of this title.)

(2) Any guarantor or surety of the contractor whose obligation relates to the terminated contract. (§ 8.202 of this title.)

(3) The accounting and finance officer designated to make payments under the contract.

(4) The accounting and finance activity recording transactions affecting the funds applicable to the contract.

(h) *Amendment of termination notice.* (1) Amended termination notices will be used to:

(i) Correct mistakes which occurred in the preparation of the original Notice of Termination or to add supplemental data or instructions.

(ii) Rescind previously issued termination notices by reinstating acceptable supplies which were completed prior to the effective date of termination and for which delivery is desired.

(iii) Terminate additional items of work under a contract which has previously been partially terminated; provided that 60 days have not elapsed since the date of the original notice of partial termination and the contractor has not submitted a settlement proposal to the termination contracting officer.

(iv) If 60 days have elapsed since the date of the original notice of partial termination, a further Notice of Termination (as set forth in §§ 8.801-1 and 8.801-2 of this title) will be issued.

(2) Amendments may be effected by issuing an Amended Letter or Telegraphic Notice of Termination. An amended termination notice is not necessary for a portion of terminated supplies or services which has been completed, accepted, and shipped prior to the effective date of termination. However, if all of the supplies or services covered by a termination notice have been completed, delivered, and accepted prior to the effective date of termination, a notice rescinding the initial notice will be issued by the originating readjustment

activity to close the termination case. Except as set forth in subparagraph (1) of this paragraph, termination notices will not be modified in any way unless written authority is obtained from the Chief, Contract Management Division (ASXKK), Hq AFSC, and/or the Chief, Contract Operations Division (MCPKF), Hq AFLC.

(i) *Reinstatement of terminated contracts or portions thereof.* (1) Requests for reinstatement of terminated contracts or portions thereof will not be made unless an inquiry as to practicability of reinstating the contract or portion has been made to the contractor within a 60 day period. Exceptions to this limitation may be made when:

(i) Reinstatement of a terminated contract is directed by Hq USAF.

(ii) Adequate reason for reinstating an experimental or development contract exists.

(iii) Reinstatement of contracts based upon MIPR is requested by the initiating activity.

(iv) Unusual circumstances indicate clearly that the Government will benefit by use of reinstatement procedures rather than initiation of a new procurement.

(2) Subsequent to issuing a Notice of Termination and prior to bilateral execution of a formal supplemental settlement agreement, it may be in the best interests of the Government to rescind a termination notice by reinstating the terminated contract or some portion thereof. While the power to terminate a contract is a unilateral right residing only in the Government, the partial or complete rescission by the Government of a previously issued Notice of Termination cannot be effective without the consent of the contractor. Consequently the Government must obtain the contractor's agreement and, in addition, secure the terms and conditions upon which the latter will consent to the rescission and reinstatement of the terminated portion of the contract. If the contractor has materially changed his position in reliance upon such termination notice, he is entitled to be reasonably compensated for any expenses allocable to a reinstatement action.

(3) The procuring activity which authorized the termination is responsible for processing written authority (letter or telegram) to the cognizant termination activity for reinstatement of terminated contracts or portions thereof. Upon determination that such action is in the best interests of the Government, the procuring activity will advise the cognizant termination activity, as follows:

(i) That settlement negotiations have not been finalized by supplemental agreement.

(ii) Extent of the reinstatement desired and monetary value.

(iii) Whether the contractor agrees to the reinstatement.

(iv) Whether the contractor will or will not assert a claim for reinstatement costs. (If reinstatement costs are involved, the negotiation of such costs will be the responsibility of the procuring activity.)

(4) Requests for reinstatement of terminated contracts will be subject to the approval of the chief of the appropriate buying activity, or his designated representative.

(5) Upon receipt by the termination activity, a Notice of Rescission will be issued to the contractor provided the criteria established herein has been met. If there has been a referral of the termination for settlement, the termination activity issuing the Notice of Rescission will furnish copies simultaneously to the CMR and AFSCMD or AFPRO settling the termination and to AFSC (ASXKK).

(6) If the reinstatement is partial, an Amended Notice of Termination (First, Second, Third, etc.) will be issued by the activity which issued the original notice; the amendment will refer to the original Notice of Termination and the extent of rescission of such notice. If the reinstatement constitutes a complete rescission of the original Notice of Termination, a Notice of Complete Rescission making reference to the notice being rescinded will be issued to the contractor. The terms of a contractor's offer to reinstate the contract (e.g., at no additional cost to the Government) will be incorporated in the Amended Notice of Termination or Notice of Complete Rescission.

§ 1008.202-51 Termination of letter facilities contracts, facilities contracts, and facilities leases.

(a) *Termination of letter facilities contracts.* (1) *General.* This paragraph sets forth the procedures for processing the partial and complete terminations of letter facilities contracts. The following subparagraphs prescribe, in addition to other matters, the settlement procedures whether the contractor "vouches out" under the termination or submits his claim on a settlement proposal. Special problems which may arise with respect to the partial or complete termination of letter facilities contracts should be referred for advice to AFSC (ASXKK).

(2) *Partial terminations.* In the event of a partial termination of a letter facilities contract, payments made to a contractor prior to termination should be considered in the nature of progress payments. Under a partial termination of such type contract the terminated portion usually consists of the further use by the contractor of facilities previously acquired (even if installed), installation costs of such facilities, the contemplated use by the contractor of machine tools and equipment remaining to be completed, machine tools and equipment on order which have been partially completed and which are directed to be canceled, and costs of initial repairs and parts replacement of government furnished machines and equipment. The contractor may submit his termination claim on either DD Form 540, "Settlement Proposal (Inventory Basis)," DD Form 541, "Settlement Proposal (Total Cost Basis)," or DD Form 547, "Settlement Proposal for Cost-Reimbursement-Type Contracts," whichever the contracting officer deems appropriate. The contracting officer and the contractor may agree upon the total

amount due the contractor for the acquisition of machine tools and equipment, installation, initial repair and replacement costs, and termination claims of vendors and suppliers (subcontractors). Under such circumstances, the Audit Status Date as provided in Subpart D, Part 8 of this title, relating to cost reimbursement contracts, is not required. The settlement should be evidenced by an appropriate type Settlement Agreement (Amendment), the form of which should be requested from AFSC (ASXKK). A copy of the Settlement Memorandum will be submitted with such request for use in preparing the appropriate form of agreement.

(3) *Complete termination.* If the letter facilities contract has been completely terminated, the contractor may elect to "voucher out" his costs. Where the contractor discontinues the submission of Standard Form 1034 cost vouchers and submits his termination claim on the appropriate Termination Settlement Proposal form, the Audit Status Date procedure in Part 8 of this title will be followed. Where a partial termination is involved and the continuing work can be completed within a reasonable period of time and/or before the parties are ready to effect settlement, it is recommended that the termination be considered as a complete termination of the contract pursuant to § 8.406 of this title. The Audit Status Date procedure will be followed in such instances where the contractor discontinues the submission of Standard Form 1034 vouchers and submits his claim on the Settlement Proposal form. The termination settlement agreement form set forth in § 8.806-4 of this title may be used to evidence the negotiated settlement of a complete termination; appropriate revisions should be made in the form to refer to "the contract" as "the Letter Facilities Contract."

(b) *Termination of facilities contracts and facilities leases—(1) Scope of paragraph.* This paragraph establishes responsibilities and procedures within AFSC with respect to the following:

(i) Determination of the necessity for terminations of facilities contracts and facilities leases and/or the withdrawal from the contractor's possession of government-owned facilities covered thereby.

(ii) Preparation and transmittal of requests for termination of facilities contracts and facilities leases.

(iii) Withdrawal from the contractor's possession of those Government-owned facilities covered by facilities contracts and facilities leases.

§ 1008.202-52 *Special procedures pertaining to deletions of spare parts from AF contracts containing provisioning documents.*

(a) This section deals with the deletion of both priced and unpriced spare parts authorized under various types of Provisioning Documents as listed in § 1055.206 of this subchapter, "Supply Component" as used herein includes, in addition to the supply components of the Air Force, the appropriate agencies of the other services whose requirements are being filled under AF contracts.

(b) *Deletion of spare parts:* When it has been determined by the supply component activity that certain items authorized under Spare Parts Provisioning Documents are no longer required, the supply activity will notify in detail the cognizant AFSCMD or AFPRO, by means of AFLC Form 296, "Spare Parts Documents Correction Sheet," of the extent of deletion desired. If "Hi-Valu" items are involved, a telegraphic notification should be sent immediately by the supply activity to the AFSCMD or AFPRO prior to the usual preparation and issuance of AFLC Form 296. Upon receipt of a telegraphic or AFLC Form 296 notification, the administrative contracting officer (ACO) will in turn immediately notify the contractor by telegraphic notice or letter notice, as appropriate, with instructions to effect the requested deletions. When a telegraphic notice is used by the ACO, the contractor will be requested to reply by telegraphic message (or other appropriate means) to the ACO with an acknowledgment of receipt thereof. When a letter notice to the contractor is used, the ACO will request the contractor to sign and date a prepared acknowledgment of receipt which the ACO will incorporate immediately below his own signature block.

(1) *Unpriced spare parts.* Deletion of items which result in "no cost" or a "cost" claim from the contractor will be processed and negotiated by the termination contracting officer or the administrative contracting officer, in accordance with the procedures of the "Termination Clause" or the "Changes Clause" of the contract. The administrative contracting officer will determine, after evaluation of all the facts under which clause of the contract the processing of the deletion will be most efficient and economical. However, if there is any excess property resulting from the deletion, such excess property will be processed and disposed of according to the provisions of Subpart E, Part 8 of this title and this part.

(2) *Priced spare parts—(i) No cost deletions.* If it is determined that the entire deletion can be effected without cost to the Government, the cognizant contracting officer of the AFSCMD or AFPRO will, upon the receipt of a Cancellation Addendum, Spare Parts Change Request, or other appropriate list from the contractor, review the document for completeness and incorporate the deletions in a contractual document. The contractual document will contain appropriate legal releases to the Government such as those provided in the no-cost settlement forms set forth in §§ 8.806-6 and 8.806-7 of this title. These types of deletions do not require issuing a confirming termination telegraphic or letter notice to the contractor and will not be processed as a termination according to the provisions of Part 8 of this title.

(ii) *Cost deletions.* If it is determined that all or part of the items directed to be deleted will involve costs to the Government, the ACO, upon receipt of a Cancellation Addendum, Spare Parts Change Request, or other appropriate list from the contractor, will process

the individual document as a whole, without distinguishing between "cost" deletions or "no-cost" deletions. The contracting officer will ascertain whether the contractor desires to:

(a) Submit his claim forthwith, or

(b) Wait until a group of deletions have been accumulated over a period of 30, 60, or 90 days. The ACO and the contractor should agree upon one of the foregoing procedures and thereafter, as promptly as possible, the contractor should submit his claim for the settlement of proper costs resulting from the deletions. The ACO, after receiving the contractor's claim, will prepare and forward an AFPI Form 49 in quadruplicate to the office responsible for terminating contracts at the AMA, AFSC division, or AF depot, as appropriate. The AFPI Form 49 will identify the number, extent, and effective dates of the deletions. Upon receiving the AFPI Form 49, the readjustment activity will issue a confirmatory type of termination notice and will issue a docket number.

§ 1008.202-53 *Termination of calls from a call contract.*

Termination requests for termination of a call, a number of calls, or portions of a call, from a call or open contract will be initiated on an AFPI Form 49. The Notice of Termination for convenience of such calls or portions of calls will be issued by the readjustment office of the procuring activity which issued the calls.

§ 1008.208-3 [Amendment]

8. In § 1008.208-3 *Settlement procedure*, delete the reference "1008.254" in the last line of paragraph (a).

§ 1008.212-2 [Amendment]

9. In § 1008.212-2 *Final payment*, delete the reference in parentheses immediately preceding paragraph (c).

Subpart C is revised to read as follows:

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Type Contracts

Sec.

1008.307 Settlement proposals.

1008.307-50 Forms of settlement proposals.

AUTHORITY: §§ 1008.307 and 1008.307-50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1008.307 Settlement proposals.

§ 1008.307-50 Forms of settlement proposals.

(a) The standard settlement proposal forms may be reproduced by contractors or by commercial firms for them. If any change whatsoever is made in the forms, the change must be approved by the TCO and the government form numbers will be omitted.

(b) The purpose of DD Form 546, "Schedule of Accounting Information," is to furnish to the TCO and auditor adequate information concerning the contractor's accounting methods on which an intelligent evaluation of the settlement proposal can be made. The information contained in DD Form 546 will be used to the fullest extent by the TCO

in evaluating the termination claim and negotiating the settlement. Care should be taken to obtain information from contractors on DD Form 546 pertinent to the contractor's accounting system. Contractors should be advised to indicate the inapplicable portions in the form by a proper notation therein. The TCO will satisfy himself that the data contained in the settlement proposal are consistent with the methods and information described in DD Form 546.

(c) The TCO may waive the requirement for submission of DD Form 546 where the completed form has been submitted in connection with previous termination settlements and is considered adequate by the TCO.

Subpart D is revised to read as follows:

Subpart D—Additional Principles Applicable to the Settlement of Terminated Cost-Reimbursement Type Contracts

Sec.
1008.404 Procedure where contractor continues to submit vouchers.

1008.404-1 Submission of settlement proposal.

AUTHORITY: §§ 1008.404 and 1008.404-1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1008.404 Procedure where contractor continues to submit vouchers.

§ 1008.404-1 Submission of settlement proposal.

The contractor's request for an adjustment of the fixed fee must be submitted in writing but need not be presented on a formal settlement proposal form. The submission may be in the form of a letter containing sufficient and necessary information and also containing the type of certificate set forth in DD Form 547. This procedure is applicable on complete or partial terminations and the negotiations must be evidenced by a proper supplemental agreement.

In Subpart E—Disposition of Termination Inventory:

§§ 1008.501-2, 1008.503-2, 1008.503-3, 1008.503-7, 1008.507-1008.513, 1008.515 [Deletion]

1. Delete §§ 1008.501-2, 1008.503-2, 1008.503-3, 1008.503-7, 1008.507 through 1008.513, and 1008.515.

2. In § 1008.503-1 *Submission of inventory schedules*, revise paragraph (b) to read: "(b) prepares schedules in accordance with present requirements, and (c) * * *"

§ 1008.507-2 [Amendment]

3. In § 1008.507-2 *Competitive sales*, delete the words: "and § 1008.866" in paragraph (d) (1), and in paragraph (e), delete the last sentence.

§ 1008.508 [Amendment]

4. In § 1008.508 *Donations*, delete the words: "listed in § 1008.867" in paragraph (d).

§ 1008.510-52 [Amendment]

5. In § 1008.510-52 *Disposal*, amend the third sentence of paragraph (c) to

read: "All storage agreements will be prepared according to § 1008.511."

6. Revise § 1008.511-2(a) (1) to read as follows:

§ 1008.511-2 Storage at the expense and risk of the Government.

(a) *General*. (1) All storage agreements at the expense and risk of the Government will be by prescribed form. Format variations must be approved by AMC (MCPC). The property stored must be listed on inventory schedules.

7. In § 1008.511-50, revise paragraphs (a) and (c) as follows:

§ 1008.511-50 No cost storage agreements.

(a) Storage at "no cost" to the Government will be covered by an appropriate storage contract. The contract will cite as authority 10 U.S.C. 2304(a) (10) according to § 1003.201 of this chapter. The contract will be executed by the plant clearance officer. (See § 1008.511-2(a) (2).)

(c) When future additional storage requirements are anticipated, the contract may be made "open end" by use of the optional clause.

§ 1008.512-1 [Amendment]

8. In § 1008.512-1 *Property disposal review boards*, delete the last sentence in paragraph (e).

§ 1008.550 [Amendment]

9. In § 1008.550 *Appointment of plant clearance officers*, delete the words: "according to § 1001.452 of this chapter" in paragraph (a).

Subpart F is revised to read as follows:

Subpart F—Termination for Default

Sec.	General.
1008.601	Contractor appeal rights.
1008.601-50	Termination of fixed-price supply contracts for default.
1008.602	The Government's right to terminate for default.
1008.602-1	Authority to terminate for default.
1008.650	Default of facilities lease agreements.
1008.654	

AUTHORITY: §§ 1008.601 to 1008.654 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1008.601 General.

It is AF policy to use default termination procedures when a contractor, without excusable cause, fails to comply with the terms and conditions of the contract and, as a result of such failure, cannot deliver the supplies or perform the services called for under the contract in the manner and within the time which the AF has need for such supplies and services. It is not AF policy to use default termination as a punitive measure, but to use it as a method to insure the contractor's adherence to his contractual obligations and to protect the Government from any loss which might be sustained as a result of the contractor's failure to comply with his contract obligations.

§ 1008.601-50 Contractor appeal rights.

The Disputes clause in most AF contracts permits the defaulted contractor to file appeals for one or both of the following reasons: (a) Default termination and (b) assessment of excess costs, if any. Appeals may be filed by the defaulted contractor and should be addressed to the Secretary of the Air Force through the termination contracting officer. Appeals are heard, usually at Washington, D.C., by the Armed Services Board of Contract Appeals as the duly appointed representative of the Secretary. A written appeal to the Secretary of the Air Force need not follow any particular form or format, however, the appellant must perfect the appeal within the period of time allowed under the Disputes clause contained in the contract, and must set forth in the appeal notice the contract number, the nature of the appeal (either default termination of the contract or assessment of excess costs), the name of the termination contracting officer, and the complete address of the appellant. The appellant need not furnish support or justification for his action to perfect an initial appeal notice. Upon receipt of the appeal the Armed Services Board of Contract Appeals will docket the case for hearing and advise the appellant as to subsequent procedures to be followed (see § 1001.314-54).

§ 1008.602 Termination of fixed-price supply contracts for default.

§ 1008.602-1 The Government's right to terminate for default.

There are normally three general causes for terminating a contract for default of the contractor:

(a) *Failure to deliver*. If the contractor fails to deliver the supplies or perform the services within the time specified in the contract the right (in the absence of excusable or Government caused delays) has accrued to the Government to terminate immediately for default. In addition, if the contractor does make timely delivery, but delivers defective supplies or improperly performs services, and the contractor is unable to take corrective action within the unexpired delivery schedule period, the Government also has the right to terminate for default.

(b) *Failure to make progress*. If it is ascertained during the period of the contract delivery schedule that the contractor is failing to make satisfactory progress so as to endanger performance according to the terms of the contract, the contractor should immediately be put on written notice (Registered Mail—Return Receipt) by the ACO under the appropriate provisions of the Default clause contained in the contract. The contracting officer must notify the contractor that a period of 10 days after receipt of notice (or such longer period as the contracting officer may authorize in writing as being reasonably necessary) will be allowed to cure such failures. The "cure" notice from the ACO must set forth the nature and extent of the defects the contractor is notified to "cure" and, as deemed appropriate, the

ACO may call the contractor's attention to that portion of a specification which is applicable to a defective item(s). The period of time allowed by the contracting officer to cure contractor defects must be realistic, and based upon sound judgment. Where the allowed cure period is, through necessity, rather lengthy, the contracting officer may call upon the contractor within 10 days after receipt of the "cure" notice to show evidence of his actions to insure subsequent compliance with the "cure" notice. Upon the failure of the contractor to cure his defects, or show proper evidence of his actions to insure subsequent compliance within the cure period allowed, the Government may, subject to the limitations set forth in the Default clause, invoke termination for default of the contractor.

(c) Failure to perform any of the other provisions of the contract. If the contractor fails to perform any of the other provisions of the contract according to its terms and does not cure such defect within a period of 10 days after receipt of a "cure" notice (or longer period as the contracting officer may authorize in writing), the Government may, subject to the limitations set forth in the Default clause, terminate the contract in whole or in part for default of the contractor. Special procedures are set forth in § 30.4, Appendix D of this title in connection with violations of Gratuities clauses.

§ 1008.650 Authority to terminate for default.

(a) Delegation of authority to the Commander, AFSC. The authority to terminate for default of the contractor those contracts entered into pursuant to the various citations in § 1008.200-50 is hereby delegated to the Commander, AFSC, and Commander AFLC, with power of redelegation to be exercised subject to the provisions of Subchapter A, Chapter I of this title and this subchapter, and other pertinent publications and directives.

§ 1008.654 Default of facilities lease agreements.

Whenever a lessee has violated any provision of the lease, such as failure to pay rent, failure to preserve and maintain leased property, or any other provision of the Lease Agreement, the ACO will serve the lessee with a "Notice to Cure" by Registered Mail—Return Receipt, and forward a copy to the CMR authorized to terminate the lease for default. The "Notice to Cure" will grant the lessee a reasonable period of time (not less than 10 days) to cure the delinquency. The suggested format for "Notice to Cure" letter, below, may be used:

1. As a result of your failure to ----- as required by Clause ----- of subject Facilities Lease Agreement, the Government is considering terminating subject agreement under the provisions of Clause ----- (Default).

2. You are hereby granted ----- days within which to cure your delinquency. Failure to do so may result in default termination without further notice.

3. Your attention is invited to the rights of the Government in event the lease agreement is terminated for default.

Subpart H—Forms, is deleted and reserved.

By Order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 62-11468; Filed, Nov. 19, 1962;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.47, the headnote and paragraphs (a) and (b) (1) are amended to read as follows:

§ 17.47 Eligibility for hospital or domiciliary care of persons discharged or released from active military, naval, or air service.

(a) Hospital care for veterans in need of such care for an adjudicated service-connected disability or for a non-service-connected condition which is associated with and held to be aggravating such disability. (See § 17.48(a) with respect to presumption relating to psychosis. 38 U.S.C. 602.)

(b) Hospital care for:

(1) Veterans discharged or released for disability incurred or aggravated in line of duty when in need of hospital care for the disability for which discharged or released, or for a non-service-connected condition which is associated with and held to be aggravating such disability.

2. Section 17.60 is revised to read as follows:

§ 17.60 Outpatient treatment and examination.

(a) Medical services may be furnished to the following applicants under the conditions stated, except that applicants for dental treatment, as defined in subparagraphs (1) to (4) inclusive of this paragraph, must also meet the applicable provisions of § 17.123:

(1) Persons discharged or released from active military, naval, or air service, who are in need of treatment for a disease or injury adjudicated by the Veterans Administration as incurred or aggravated in such service.

(2) Persons who were discharged or released under other than dishonorable conditions from active military, naval, or air service for disability incurred or aggravated in line of duty in active service who are in need of treatment for that condition which resulted in discharge or release for disability. A formal claim for

disability compensation will not be required of an applicant eligible for outpatient treatment by reason of discharge or release for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation will not debar outpatient treatment for such disability.

(3) Persons pursuing a course of vocational training authorized under 38 U.S.C. ch. 31 who are in need of treatment to avoid interruption of training or to hasten return to training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of illness or injury.

(4) Persons who served in the active military, or naval service during the Spanish-American War, or Indian Wars, when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment. Such outpatient treatment will not include medical care and treatment necessary to and part of hospital care furnished a patient while in a hospital.

(5) Persons who served in the active military, naval, or air service on or after December 7, 1941, and before January 1, 1947, or on or after June 27, 1950, and prior to February 1, 1955, who are in need of treatment for an active psychosis adjudicated by the Veterans Administration as service connected under the provisions of 38 U.S.C. 602.

(6) Physical examinations may be furnished to applicants having prima facie entitlement to hospital or domiciliary care to determine their need for such care and to claimants or beneficiaries of the Veterans Administration for purposes of disability compensation, pension, emergency officers' retirement pay, medical feasibility for vocational training under 38 U.S.C. chs. 31 and 35 and Government insurance.

(7) Persons eligible for hospital care under § 17.47 under the following circumstances:

(i) Where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission.

(ii) Where a veteran has been granted hospital care and outpatient care is reasonably necessary to complete treatment incident to such hospital care. (38 U.S.C. 612(f) (2).)

(8) Persons properly referred by authorized officials of other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him and pensioners of nations allied with the United States in World War I and World War II when duly authorized. Charges for services furnished to such patients will be at prescribed rates.

(9) Employees of the Veterans Administration, their families, and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans Affairs. Charges for treatment of patients specified herein will be at prescribed rates.

(b) While outpatient treatment is primarily authorized only for service-connected or service-aggravated condi-

tions, adjunct outpatient treatment for a non-service-connected condition which is associated with and held to be aggravating disability from a disease or injury service connected or service aggravated may be also authorized in accordance with prescribed principles for persons defined in paragraph (a) (1), (2), and (5) of this section. The opinion of the Chief Medical Director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

3. In § 17.120, paragraphs (f) and (h) are amended to read as follows:

§ 17.120 Authorization of dental examinations.

(f) Those requiring dental examination for determination of necessity of dental treatment to prevent interruption of vocational training authorized under 38 U.S.C. ch. 31 or to hasten return to such training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of a dental condition.

(h) Persons defined in § 17.60(a) (4).

4. In § 17.123, the introductory portion preceding paragraph (a) and paragraph (f) are amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

Outpatient dental treatment may be authorized by the Chief, Dental Service, for beneficiaries defined in § 17.60(a) (1) to (4), inclusive, and (b), to the extent prescribed and in accordance with the applicable classification and provisions set forth in this section.

(f) *Class V.* Those pursuing a course of vocational training authorized under 38 U.S.C. ch. 31 may be authorized dental treatment indicated as reasonably necessary to prevent the interruption of an authorized course of vocational training or to hasten return to training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of a dental condition.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective November 20, 1962.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-11514; Filed, Nov. 19, 1962; 8:53 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department PART 121—OUTGOING PARCELS

Packing Fragile Articles in International Mail

A notice of a proposed change in the regulations in § 121.2 *Packing, preparing and mailing*, of title 39, Code of Federal Regulations, to increase the amount

of cushioning material used in packing fragile articles from at least 1½ inches to 2 inches, and to require that fiberboard boxes used without crating must be of at least 275-pound test, was published in the FEDERAL REGISTER of September 25, 1962, at page 9483. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No adverse comments have been received with respect to the proposed amendment. Accordingly, the proposal is adopted without change. As so adopted, the amendment is as follows:

In § 121.2, subdivision (i) of paragraph (a) (2) is amended to read as follows:

§ 121.2 Packing, preparing and mailing.

(a) *Packing.* * * *

(2) *Specific articles.* (i) Fragile articles for overseas destinations shall be packed in a strong (preferably wooden) box. Strong solid fiberboard or double-faced corrugated fiberboard boxes of not less than 200-pound test if enclosed in strong wooden crates, or 275-pound test if used without crates, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box, to be filled with sufficient cushioning material to protect the articles.

NOTE: The corresponding Postal Manual section 231.212(a).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-11493; Filed, Nov. 19, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2818]

[Los Angeles 0152613]

CALIFORNIA

Establishing Picacho Land and Wildlife Management Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land, and scrip selection laws, and designated as the Picacho Land and Wildlife Management Area, to be managed by the Bureau of Land Management for the development, conservation, utilization and maintenance of their natural resources, including their recreational and wildlife resources:

SAN BERNARDINO MERIDIAN

- T. 9 S., R. 21 E.,
Sec. 22, W½, W½SE¼, and SE¼SE¼;
Secs. 27 and 34.
T. 10 S., R. 21 E.,
Sec. 3, NW¼ (unsurveyed);
Sec. 10;
Sec. 22, NE¼, NW¼, and S½;
Sec. 34.
T. 11 S., R. 21 E.,
Sec. 1, lots 3 to 6, incl.;
Sec. 2;
Sec. 3, lots 3 to 6, incl.;
Secs. 10, 12, and 14;
Sec. 22, N½, E½SW¼, NW¼SW¼, SW¼SW¼, and SE¼;
Secs. 24, 26, and 34.
T. 12 S., R. 21 E.,
Secs. 2, 10, 12, and 14;
Sec. 15, S½;
Secs. 21 to 23, incl.;
Secs. 26 to 29, incl.;
Secs. 31 to 35, incl.
T. 13 S., R. 21 E.,
Secs. 1 to 36, incl. (unsurveyed).
T. 11 S., R. 22 E.,
Secs. 18 and 30.
T. 13 S., R. 22 E.,
Sec. 7.

The areas described aggregate approximately 44,685 acres.

2. For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands in cooperation with the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies and instrumentalities), and with such other interested parties as the Bureau of Land Management, the State, and the Bureau of Sport Fisheries and Wildlife may agree should participate in the appropriate development, conservation, utilization, and maintenance of the lands and their resources.

3. This order shall not prevent the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932), from becoming effective as to any lands described herein which may now or hereafter be included in a valid application for such right-of-way, provided, that the applicant therefor shall first comply with such stipulations as may be required by the Bureau of Land Management in furtherance of the management objectives of this order.

JAMES K. CARR,

Acting Secretary of the Interior.

NOVEMBER 9, 1962.

[F.R. Doc. 62-11480; Filed, Nov. 19, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14658, RM-326; FCC 62-1182]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Mayaguez, Ponce, San Juan, Puerto Rico

1. The Commission has before it for consideration its Notice of Proposed Rule Making released June 1, 1962 (FCC 62-591), proposing the following amend-

ments to the Table of Assignments of the Commission, § 3.606.

Cities	Channel No.	
	Present	Proposed
Mayaguez, P.R.-----	3+, 5-	3+, 5-, 16
Ponce, P.R.-----	7+, 9-	7+, 9-, 22
San Juan, P.R.-----	2+, 4-, *6+	2+, 4-, *6+, 19

2. Mayaguez, P.R., with a 1960 population of 83,850, presently has assigned to it Channel 3 (WIPM-TV) and Channel 5 (WORA-TV, a CBS affiliate). Both stations are licensed. Ponce, P.R., with a population of 145,586, presently has assigned to it Channel 7 (WRIK-TV) and Channel 9 (WSUR-TV). Channel 7 is licensed and operating, and Channel 9 has a construction permit outstanding. San Juan, P.R., with a city population of 432,377 and a standard metropolitan statistical area of 588,805, presently has assigned to it Channels 2 (WKAQ-TV, a CBS affiliate), 4 (WAPA-TV, an ABC and NBC affiliate), and *6 (WIPR-TV), all of which are licensed and operating.

3. Brief comments and reply comments were filed by petitioner, Antilles Broadcasting Corporation (Antilles). A comment was filed by the Portorican American Broadcasting Company, Inc., (Portorican American), stating its intention to apply for Channel 22 if it is assigned to Ponce. Antilles is the licensee of standard broadcast station WRSJ in Bayamon, P.R., and has an application pending for an FM station in Bayamon. Portorican American is the licensee of standard broadcast station WPAB in Ponce. It has an application pending for an FM station in Ponce. There were no comments or reply comments opposing the proposed assignments.

4. Antilles has indicated that it intends to apply for authorization to operate on Channels 16 and 19 in Mayaguez and San Juan respectively if those channels are assigned to those cities. Both Antilles and Portorican American have indicated an interest in applying for authorization to operate on a UHF channel in Ponce. Because two parties have expressed an interest in UHF operation at Ponce, Antilles has suggested that the Commission assign not only Channel 22 to that city as proposed in the notice herein dealt with but also Channel 28 which would meet all spacing and other requirements of the Commission rules.

5. At the present time no UHF channels are assigned to Puerto Rico. In view of the expressed interest in UHF operations as mentioned above and the possibility of bringing additional service to the communities involved by means of such operations, we are of the opinion that it is in the public interest to adopt the proposal set forth in the notice. We are also of the opinion that the public interest will be served by assigning, additionally, Channel 28 to Ponce, since such a channel is available and no community will be deprived of potential service by such an assignment.

6. Since March 31, 1957, a low power military television station has been operating on Channel 21 at the Ramey Air Force Base on the northwest coast of Puerto Rico approximately 50 miles from Ponce where we propose to assign Channel 22. The Commission concurred in the military operation on the condition that it not cause interference to television broadcasting operations authorized by the Commission. Specific conditions to the concurrence were that the power used should not be in excess of that necessary to serve the base area and in no event more than 50 watts; and that the transmitting antenna should be so located and oriented as to restrict radiation to the base and adjacent water area. Thus, no problems of interference involving the adjacent channels at Ramey and Ponce are anticipated.

7. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. *It is ordered*, That effective December 31, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, with respect to the communities named, to read as follows:

City	Channel No.
Mayaguez, P.R.-----	3+, 5-, 16
Ponce, P.R.-----	7+, 9-, 22, 28
San Juan, P.R.-----	2+, 4-, *6+, 19

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 14, 1962.

Released: November 15, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11510; Filed, Nov. 19, 1962;
8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-264]

PART 13—PROHIBITED TRADE PRACTICES

Abbot Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: § 13.15-235 *Producer status of dealer or seller*: § 13.15-235(m) *Manufacturer*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: § 13.1185-80 *Textile Fiber Products Identification Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-70 *Textile Fiber Products Identification Act*; § 13.1900 *Source or origin*: § 13.1900-80 *Textile Fiber Products Identification Act*. Subpart—Using misleading name—Ven-

dor: § 13.2445 *Producer or laboratory status of seller*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Abbot Mills, Inc., et al., New York, N.Y., Docket C-264, Nov. 2, 1962]

In the Matter of Abbott Mills, Inc., a Corporation, and Edward H. Rothstein, James Olkein, and Arthur L. Schwartz, Individually and as Officers of Said Corporation

Consent order requiring New York City converters and jobbers of textile fabrics to cease violating the Textile Fiber Products Identification Act by labeling "65 percent rayon, 35 percent silk", fabrics which contained substantially less than 35 percent silk, and failing to show on labels on imported products the true percentage of fibers by weight and the name of the foreign country of origin; and to cease representing themselves falsely as manufacturers by use of the word "Mills" in their corporate name, when in fact they either bought fabrics already finished or paid independent contractors to manufacture or finish raw materials or uncompleted products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Abbot Mills, Inc., a corporation, and its officers, and Edward H. Rothstein, James Olkein, and Arthur L. Schwartz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products, or when permitted by section 3(d)(5) of the Act to invoice such products in the manner provided by law, showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Abbot Mills, Inc., a corporation, and its officers, and Edward H. Rothstein, James Olkein, and Arthur L. Schwartz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "Mills", or any other word or term of similar import or meaning, in or as a part of respondents' corporate or trade name, or representing in any other manner that respondents perform the functions of a mill or otherwise manufacture the textile fabrics or other textile products sold by them, unless and until respondents own and operate, or directly and absolutely control the mill wherein said textile fabrics or other textile products are manufactured.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 2, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-11512; Filed, Nov. 19, 1962;
8:53 a.m.]

[Docket C-265]

PART 13—PROHIBITED TRADE PRACTICES

Bain's, Inc., et al.

Subpart—Invoicing products falsely:
§ 13.1108 *Invoicing products falsely:*
§ 13.1108-45 *Fur Products Labeling Act*.
Subpart—Neglecting, unfairly or deceptively, to make material disclosure:
§ 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements:*
§ 13.1852-35 *Fur Products Labeling Act*;

§ 13.1865 *Manufacture or preparation:*
§ 13.1865-40 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bain's, Inc., et al., Los Angeles, Calif., Docket C-265, Nov. 2, 1962]

In the Matter of Bain's, Inc., a Corporation, and Charles Bain, Sonny Bain, Mac Rosen, and Jack E. Slote, Individually and as Officers of Said Corporation

Consent order requiring Los Angeles furriers to cease violating the Fur Products Labeling Act by failing to show on invoices of fur products the true animal name of furs and the country of origin of imported furs and to disclose when fur was artificially colored; failing, on invoices, to use the term "Dyed Broadtail-processed Lamb" and on invoices and newspaper advertising to use the word "natural" where required; and failing to comply with other invoicing requirements and to maintain adequate records as a basis for advertising claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Bain's, Inc., a corporation, and its officers, and Charles Bain, Sonny Bain, Mac Rosen and Jack E. Slote, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth on invoices the item number or mark assigned to a fur product.

4. Failing to describe as natural fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

6. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which fails to describe as natural fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 2, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-11513; Filed, Nov. 19, 1962;
8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 197]

DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NON- BEVERAGE PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] **BERTRAND M. HARDING,**
*Acting Commissioner
of Internal Revenue.*

In order (a) to preclude allowance of drawback on cordials, liqueurs, and other rectified products used in nonbeverage manufacture, (b) to liberalize the requirement regarding time for payment of special tax, (c) to provide for submission of drawback bonds and powers of attorney relating thereto in duplicate rather than triplicate, (d) to standardize procedures relating to termination of bonds, (e) to provide for the adoption of formulas and processes by a successor, and (f) to make certain technical and editorial changes, the regulations in 26 CFR Part 197 are amended as follows:

PARAGRAPH 1. Section 197.1 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.1 reads as follows:

§ 197.1 Drawback of tax on spirits used in nonbeverage products.

The regulations in this part relate to obtaining drawback of internal revenue tax on distilled spirits used in the manufacture of certain nonbeverage products. The regulations cover the allowance of

drawback of internal revenue tax on distilled spirits used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes; the payment of special (occupational) taxes in order to be eligible for drawback; claims; formulas and samples; losses; and records and reports of distilled spirits received and used in the manufacture of nonbeverage products.

PAR. 2. Section 197.9 is amended to preclude any assumption that drawback may be claimed on rectified products used in the manufacture of nonbeverage products. As amended, § 197.9 reads as follows:

§ 197.9 Distilled spirits.

Distilled spirits shall mean that substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, and vodka, produced at an industrial alcohol plant, registered distillery, or fruit distillery (operated, respectively, under Part 182, 220, or 221, of this chapter) or withdrawn on or after July 1, 1959, from the bonded premises of a distilled spirits plant operated under Part 201 of this chapter. The term does not include cordials, liqueurs, and other rectified products.

PAR. 3. Section 197.25 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.25 reads as follows:

§ 197.25 Payment and rates of special tax.

Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible for drawback on the distilled spirits so used, must pay special tax at the rate of \$25 per annum for total annual use not exceeding 25 proof gallons of distilled spirits; \$50 per annum for total annual use not exceeding 50 proof gallons; or \$100 per annum for total annual use of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount. Special tax, based upon estimated use, may be paid in advance of actual use. Adjustments of the special tax where improperly paid will be made in accordance with §§ 197.55 and 197.56. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him.

PAR. 4. Section 197.27 is amended to require that special tax be paid before

drawback can be allowed rather than before claims are filed. As amended, § 197.27 reads as follows:

§ 197.27 Time for payment of special tax.

The special tax shall be paid before a claimant is eligible for drawback. Regardless of the portion of a fiscal year covered by a claim, the full annual special tax of \$25, \$50, or \$100, as the case may be, shall be paid.

PAR. 5. Section 197.28 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.28 reads as follows:

§ 197.28 Filing of return and payment of special tax.

Returns shall be executed on Form 11, and shall be filed, with remittances, with the district director of internal revenue for the district in which the place of manufacture is located.

PAR. 6. Section 197.49 is revised to conform to the wording of section 5143, I.R.C. As revised, § 197.49 reads as follows:

§ 197.49 Right of succession.

Under the conditions set out in § 197.48, persons listed below have the right of succession:

(a) The surviving spouse or child, or executor, administrator, or other legal representative of the taxpayer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

PAR. 7. Section 197.65 is amended by changing the word "triplicate" to "duplicate" and by deleting the last sentence. As amended, § 197.65 reads as follows:

§ 197.65 General.

Every person required to file a bond or consent of surety under the provisions of this part shall prepare and execute it on the prescribed form, in duplicate, in accordance with the provisions in this part and the instructions printed on the form, and shall submit it to the assistant regional commissioner. The bonds required by the provisions in this part shall be given with corporate surety or collateral security.

PAR. 8. Section 197.67 is amended to provide that evidence of authority to execute consents to changes in bonds on behalf of sureties must be submitted to the Commissioner of Accounts, and to delete the requirement for a third copy of Form 1534. As amended, § 197.67 reads as follows:

§ 197.67 Powers of attorney.

Powers of attorney and other evidence of appointment of agents and officers

to execute bonds or consents to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal shall be filed on Form 1534, in duplicate, with the assistant regional commissioner with whom the bond is filed.

PAR. 9. Section 197.74 is deleted.

PAR. 10. Section 197.76 is amended to standardize procedures relating to termination of bonds by sureties. As amended, § 197.76 reads as follows:

§ 197.76 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, to be relieved of liability under said bond. Such date shall not be less than 60 days after the date the notice is received by the assistant regional commissioner. The notice shall be executed in triplicate, and the surety shall deliver one copy to the principal and the original and one copy to the assistant regional commissioner. The surety shall also file with the assistant regional commissioner an acknowledgement or other proof of service on the principal.

PAR. 11. Section 197.77 is amended to standardize procedures relating to termination of bonds by sureties. As amended, § 197.77 reads as follows:

§ 197.77 Extent of release of surety from liability under bond.

Unless the notice required by § 197.76 is withdrawn, in writing, before the date named therein, the notice shall become effective on such date. The rights of the principal as supported by the bond shall be terminated on such date, and the surety relieved from liability for drawback allowed subsequent thereto. Liability for drawback allowed prior to the date named in the surety's notice will continue until the claims for such drawback have been properly verified by the assistant regional commissioner according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for drawback allowed wholly subsequent to the effective date of the superseding bond.

§ 197.78 [Deletion]

PAR. 12. Section 197.78 is deleted.

PAR. 13. Section 197.79 is amended to delete the provision that a copy of the notice of termination be forwarded to the National Office. As amended, § 197.79 reads as follows:

§ 197.79 Notice of termination.

Upon determination that the bond on Form 1730 may be terminated (a) where

a superseding bond has been approved, (b) where the principal has discontinued filing monthly claims, or (c) where the surety has made application for release from bond as provided in § 197.76, the assistant regional commissioner will issue a notice of termination or release of bond and furnish a copy of such notice to the principal and each surety on the bond.

PAR. 14. Section 197.95 is amended by deleting the penultimate sentence. As amended, § 197.95 reads as follows:

§ 197.95 Products requiring formulas.

Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol and Tobacco Tax Division, Washington 25, D.C., on Form 1678, in quadruplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol and Tobacco Tax Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol and Tobacco Tax Division, one copy returned to the manufacturer, and the original and one copy will be sent to the assistant regional commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

PAR. 15. A new § 197.99, is added to provide for adoption of formulas and processes by a successor. Section 197.99 reads as follows:

§ 197.99 Adoption of formulas and processes.

Where there is a change in the proprietorship of a nonbeverage manufacturer and the successor desires to use the predecessor's previously approved formulas, he may, in lieu of submitting new formulas in his own name, adopt any or all of the approved formulas of his predecessor by filing a certificate of adoption with his assistant regional commissioner. The certificate should list the adopted formulas by serial num-

ber, name of product, and date of approval, and state that the products will be manufactured in accordance with the approved formulas and processes. The adoption certificate shall be prepared in quadruplicate. The manufacturer shall retain one copy in his formula file and forward the original and two copies to his assistant regional commissioner.

PAR. 16. Section 197.105 is revised to more clearly state the requirements for eligibility to drawback. As revised, § 197.105 reads as follows:

§ 197.105 Drawback.

Upon the filing of a claim as provided in this subpart, drawback will be allowed to any person eligible therefor at the rate specified by law on each proof gallon of distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes. Special tax as a manufacturer of nonbeverage products shall be paid before drawback is allowed.

PAR. 17. Section 197.107 is amended by changing the word "triplicate" to "duplicate". As amended, § 197.107 reads as follows:

§ 197.107 Bond, Form 1730.

Every person desiring to file claims for drawback on a monthly basis shall, upon filing his notice of such intention as provided in § 197.106, execute a bond on Form 1730, in duplicate, in conformity with the provisions of Subpart E and file the same with the assistant regional commissioner. The penal sum of the bond must be sufficient to cover the amount of drawback which will, during any quarterly period, constitute a charge against the bond: *Provided*, That the penal sum of any bond shall not exceed \$200,000 nor be less than \$1,000. The bond shall be a continuing one, and the liability thereof subject to increase as successive monthly claims are allowed thereunder and to decrease as the verifications of such monthly claims are made. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished.

PAR. 18. Paragraphs (a) and (b) of § 197.109 are amended to more clearly bring out the requirements for eligibility to drawback. As amended, they read as follows:

§ 197.109 Information to be shown by the claim.

- * * * * *
- (a) Whether the special tax has been paid.
- (b) That the tax on the distilled spirits on which drawback is claimed has been determined and that such spirits were produced in a domestic registered distillery or an industrial alcohol plant, or were withdrawn from the bonded premises of a distilled spirits plant.
- * * * * *

PAR. 19. Section 197.111 is amended to delete the requirement that date of issuance be shown in the supporting data. As amended, § 197.111 reads as follows:

§ 197.111 Identification of special tax stamp.

If special tax has been paid, the claim shall be accompanied by a statement identifying the special tax stamp by serial number, denomination, fiscal year for which issued, and internal revenue district where issued.

PAR. 20. Section 197.112 is amended to require identity of the producer or blender or warehouseman, whichever is shown on Form 179. As amended, § 197.112 reads as follows:

§ 197.112 Distilled spirits received in tank cars or tank trucks.

Each claim covering distilled spirits received in tank cars or tank trucks will be accompanied by a statement showing in respect of each shipment received: The date of receipt; the name and address of the vendor; the number or other identification mark of the tank car or tank truck; the serial number of the distilled spirits stamp and the date it was affixed to the tank car or tank truck; the name of the producer, blender, or warehouseman as shown on Form 179, and the kind, quantity, and proof of the spirits. If the tank car or tank truck is received without the stamp affixed thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 179, and immediately notify the assistant regional commissioner who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate. (The distilled spirits stamp shall be completely destroyed when the distilled spirits have been removed from the tank car or tank truck.)

PAR. 21. Section 197.113 is amended to require identity of the producer or blender or warehouseman, whichever is shown on Form 2630. As amended, § 197.113 reads as follows:

§ 197.113 Distilled spirits received in barrels, drums, or other portable containers.

Each claim covering distilled spirits received in barrels, drums, or other portable containers bearing distilled spirits stamps shall be accompanied by a statement showing: The date of receipt; the name and address of the vendor; the kind and serial number of the stamp affixed to the container and the date the stamp was issued or affixed as stated on the stamp; the serial number, if any, of the container; the name of the producer, blender, or warehouseman as shown on Form 2630; and the kind, quantity, and proof of the spirits. (When the container is emptied, the stamp shall be completely destroyed.)

PAR. 22. Section 197.118 is amended by deleting an incorrect reference. As amended, § 197.118 reads as follows:

§ 197.118 Account of distilled spirits recovered in the manufacture of intermediate products.

Each claim will be accompanied by a summary statement showing in proof

gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's record must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction of intermediate products are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

§§ 197.120, 197.121 [Deletion]

PAR. 23. Sections 197.120 and 197.121 (and the center heading immediately preceding § 197.120) are deleted.

[F.R. Doc. 62-11494; Filed, Nov. 19, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO-333-A1]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 27 F.R. 9939), a public hearing was held at Vero Beach, Florida, July 2, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 5564) on proposals to amend the marketing agreement and Order No. 912 (7 CFR Part 912), hereinafter referred to collectively as the "order", regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on October 19, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-10627; 27 F.R. 10371). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-10627; 27 F.R. 10371) are hereby approved and adopted as the material issues, findings

and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" and "Order Amending the Order Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1961, through July 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Indian River District in Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of the said annexed order amending the order regulating the handling of such grapefruit. Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Ballots to be cast in the referendum, and other necessary forms, instruction,

and information, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said amended marketing agreement are identical with those contained in the said order, as amended by the annexed order which will be published with this decision.

Dated: November 15, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Grapefruit Grown in the Indian River District in Florida

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 27 F.R. 9939), a public hearing was held at Vero Beach, Florida, July 2, 1962, upon proposed amendments to the marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby proposed to be amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(3) The order, as hereby proposed to be amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of the production area;

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. The first sentence of paragraph (b) of § 912.32 *Procedure of committee* is revised to read as follows:

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May, twelve members shall constitute a quorum and twelve concurring votes shall be required.

2. Paragraph (a) of § 912.46 *Recommendation for volume regulations* is revised to read as follows:

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May after regulations during such period have limited the volume of grapefruit handled during 12 weeks.

3. The proviso in § 912.47 *Issuance of volume regulation* is revised to read as follows:

Provided, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 12 weeks of the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May.

4. Paragraph (d) of § 912.48 *Prorate bases* is deleted and the following substituted therefor:

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorated base for each person who has made application in accordance with the provisions of this section. Such prorated base for each handler shall, except as provided in paragraph (e) of this section, be the seasonal average quantity of grapefruit shipped by him during the immediately preceding three marketing seasons.

5. The last sentence in paragraph (a) of § 912.52 *Allotment loans* is revised to read as follows:

Each such agreement shall specify the date, during the then current fiscal period, for the repayment of the loan.

6. The provisions of § 912.4 *Fruit or grapefruit* are revised to read as follows: "Fruit" or "grapefruit" means any or all varieties of citrus paradisi, MacFadyen grown in the Indian River District.

[F.R. Doc. 62-11515; Filed, Nov. 19, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 950) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of §§ 121.208 and 121.1014 of the food additive regulations and the issuance of a new regulation to provide for the safe use of chlortetracycline and sulfamethazine tablets in medication for meat animals as follows:

§ 121.208 [Amendment]

1. It is proposed to amend § 121.208 *Chlortetracycline* by adding to paragraph (d) a new Table 5 as follows:

TABLE 5.—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Chlortetracycline....	125 mg. per tablet.	Sulfamethazine..	2.5 gm. per tablet.	In tablets for oral ingestion by calves weighing up to 100 pounds; as sole source of chlortetracycline and sulfamethazine; not to exceed one tablet per animal per day for 3 days; do not administer within 5 days of slaughter; as chlortetracycline hydrochloride.	Treatment of bacterial scours in calves.
Do.....	250 mg. per tablet.	do.....	5 gm. per tablet.	In tablets for oral ingestion by calves weighing 100 to 200 pounds; as sole source of chlortetracycline and sulfamethazine; not to exceed two tablets per animal per day for 3 days; do not administer within 5 days of slaughter; as chlortetracycline hydrochloride.	Treatment of bacterial scours in cattle.

§ 121.1014 [Amendment]

2. It is proposed to amend § 121.1014 *Tolerances for residues of chlortetracycline* by adding thereto a new paragraph (c) as follows:

(c) In edible tissues of calves treated with chlortetracycline-sulfamethazine tablets, as follows: 0.1 part per million in all tissues.

3. It is proposed to amend Subpart D (21 CFR Part 121) by adding thereto a new section as follows:

§ 121.----- Sulfamethazine.

A tolerance of zero is established for residues of sulfamethazine in edible tissues of calves treated with chlortetracycline-sulfamethazine tables.

Dated: November 14, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-11489; Filed, Nov. 19, 1962;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket Nos. 60-WA-82, 61-LA-69]

FEDERAL AIRWAYS AND
CONTROLLED AIRSPACE

Withdrawal of Proposed Alterations

In a notice of proposed rule making published in the *FEDERAL REGISTER* as Airspace Docket No. 60-WA-82 on April 19, 1960 (25 F.R. 3380), it was stated that the Federal Aviation Agency proposed to alter the segment of low altitude VOR Federal airway No. 95 and its associated control areas from Phoenix, Ariz., to Winslow, Ariz., and to alter the description of the Phoenix control area extension (§ 601.1076).

In a notice of proposed rule making published in the *FEDERAL REGISTER* as Airspace Docket No. 61-LA-69 on February 17, 1962 (27 F.R. 1494), it was stated that the Federal Aviation Agency proposed to alter the segment of Intermediate altitude VOR Federal airway No. 1545 from Tucson, Ariz., to Phoenix.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for the establishment of Intensive Student Jet Training Areas in the vicinity of Williams Air Force Base, Phoenix, Ariz., which is being processed as a separate notice of proposed rule making (airspace Docket No. 62-WA-95).

This proposal necessitates a review of all current designated and proposed airways in the Phoenix area. Therefore, the proposals set forth in Airspace Docket Nos. 60-WA-82 and 61-LA-69 are included in the Notice dealing with the establishment of the Intensive Student Jet Training Areas.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the proposals

No. 225—5

contained in Airspace Docket Nos. 60-WA-82 and 61-LA-69 are withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on November 13, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-11469; Filed, Nov. 19, 1962;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-AN-6]

FEDERAL AIRWAYS, CONTROLLED
AIRSPACE AND REPORTING POINTSWithdrawal of Proposed Alterations
and Designations

In a notice of proposed rule making published in the *FEDERAL REGISTER* as Airspace Docket No. 61-AN-6 on August 11, 1961 (26 F.R. 7300), it was stated that the Federal Aviation Agency (FAA) proposed to extend Low altitude VOR Federal airway No. 508 from Kenai, Alaska, to Bethel, Alaska.

Subsequent to publication of the Notice, the FAA has determined that a further review of the airway requirements and configuration in this area is desirable prior to taking any action. Accordingly, the Notice is being withdrawn, and a new proposal will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the proposal contained in Airspace Docket No. 61-AN-6 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on November 13, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-11470; Filed, Nov. 19, 1962;
8:45 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 3]

[Docket No. 14846 (RM-363) FCC 62-1183]

TABLE OF ASSIGNMENTS, TELEVISION
BROADCAST STATIONS IN DICKIN-
SON, NORTH DAKOTA

Notice of Proposed Rule Making

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed September 10, 1962 by the Dickinson State Teachers College, et al., requesting the reservation of Channel 4 for noncommercial educational use in Dickinson, North Dakota.

3. Dickinson, North Dakota, with a population of 10,971, located in Stark

County whose population, according to the 1960 U.S. Census, is 18,451, presently has assigned to it Channels 2, 4 and *17. Channel 2 is licensed and operating. Neither Channels 4 nor *17 have applications pending or licenses outstanding for their use.

4. Petitioner asserts that the area to be served is rural in nature with an average of only eight persons per square mile, and that there are no UHF receivers in the area. For these reasons they prefer to broadcast on the lower frequency, Channel 4, rather than reserved Channel *17.

5. Petitioner states: "The North Dakota Educational TV Council has been created and the 1963 North Dakota Legislature is expected to establish it as a permanent board. The board would apply for federal aid to be made available over the next five years to establish educational TV stations in six cities in North Dakota, including Dickinson."

6. Although Dickinson will be left with only one commercial service in the event the instant proposal is adopted, the Commission does not propose the addition of new commercial channels until either there is a specific request or Docket No. 14229 has been resolved. There seems little question that additional commercial channels can be made available to Dickinson if the need arises.

7. In view of the above, it is proposed to amend § 3.606 of the rules, with respect to the community named, to read as follows:

City	Channel No.	
	Present	Proposed
Dickinson, N. Dak.-----	2+, 4, *17	2+, *4, *17

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before December 21, 1962, and reply comments on or before January 7, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 14, 1962.

Released: November 15, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11508; Filed, Nov. 19, 1962;
8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Rev. 3]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal to Amend the Definition of Small Business for the Purpose of Government Procurement

On September 26, 1962, there was published in the *FEDERAL REGISTER* (27 F.R. 9521) a notice that the Administrator of the Small Business Administration proposed to amend the definition of small business for the purpose of Government procurement. The notice announced that the Small Business Administration was planning to establish industry size standards for all industries which presently do not have specific size standards set forth in § 121.3-8 of the Small Business Size Standards Regulation and that Small Business Certificates would not be issued by SBA after publication of the notice in the *FEDERAL REGISTER*.

The objective of the proposal was to establish definite size standards which industry, Government, and other interested parties could rely on with a degree of certainty, which could not be done under the Small Business Certificate program.

Interested persons were given the opportunity to present their comments or suggestions pertaining thereto to the Office of Small Business Size Standards within thirty days after the date of its publication in the *FEDERAL REGISTER*. The date for receiving additional comments was extended to November 2, 1962.

The comments indicated generally that the public strongly favored size standards on an industry basis.

However, the comments did not contain sufficient information to adopt specific size standards for various industries.

After consideration of all such relevant matter as was presented by interested persons regarding the proposal of September 26, 1962, and studies made by SBA, notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the purpose of Government procurement.

The proposed amendment would establish size standards for all industries described and listed in the Standard Industrial Classification Manual prepared and published by the Bureau of

the Budget, Executive Office of the President.

Interested persons may file with the Small Business Administration, within fifteen days after publication in the *FEDERAL REGISTER*, written statements of facts, opinions, or arguments concerning the industry size standards set forth in Schedule "B" below. All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of small business for the purpose of Government procurement as follows:

The Small Business Size Standards Regulation (27 F.R. 9757) is hereby amended by:

1. Deleting § 121.3-2(u) and substituting in lieu thereof new § 121.3-2(u) as follows:

§ 121.3-2 Definition of terms used in this part.

(u) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual prepared and published by the Bureau of the Budget, Executive Office of the President.

2. Deleting subparagraphs (1), (3), (9), (10), (11), and (12) of § 121.3-8(a) and redesignating subparagraphs (2), (4), (5), (6), (7), (8), and (13) as (1), (2), (3), (4), (5), (6), and (7), respectively.

3. Deleting § 121.3-8(c) and substituting in lieu thereof new § 121.3-8(c) as follows:

§ 121.3-8 Definition of small business for Government procurement.

(c) *Manufacturing.* Any concern bidding on contracts for products it manufactured is classified:

(1) As large if its number of employees exceeds 1,000 persons.

(2) As small if it is bidding on contracts for a product classified within an industry set forth in Schedule "B" of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on contracts for a product classified within an industry not set forth in Schedule "B" of this part and its number of employees does not exceed 500 persons.

Dated: November 8, 1962.

JOHN E. HORNE,
Administrator.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

Manufacturing

MAJOR GROUP 19—ORDNANCE AND ACCESSORIES

Census classification code	Industry	Employment size standard (number of employees)
1931.....	Tanks and tank components.....	1,000
1951.....	Small arms.....	1,000
1961.....	Small arms ammunition.....	1,000

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

2032.....	Canned specialties.....	1,000
2043.....	Cereal preparations.....	1,000
2046.....	Wet corn milling.....	750
2052.....	Biscuit, crackers, and pretzels.....	
2062.....	Cane sugar refining.....	750
2063.....	Beet sugar.....	750
2085.....	Distilled, rectified, and blended liquors.....	750
2096.....	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified.....	750

MAJOR GROUP 21—TOBACCO MANUFACTURES

2111.....	Cigarettes.....	1,000
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MAJOR GROUP 22—TEXTILE MILL PRODUCTS

2211.....	Broad woven fabric mills, cotton.....	1,000
2271.....	Woven carpets and rugs.....	750

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

2611.....	Pulp mills.....	750
2621.....	Paper mills, except building paper mills.....	750
2631.....	Paperboard mills.....	750
2646.....	Pressed and molded pulp goods.....	750
2654.....	Sanitary food containers.....	750

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

2812.....	Alkalies and chlorine.....	1,000
2813.....	Industrial gases.....	1,000
2815.....	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners).....	750
2816.....	Inorganic pigments.....	1,000
2818.....	Industrial organic chemicals, not elsewhere classified.....	1,000
2819.....	Industrial inorganic chemicals, not elsewhere classified.....	750
2821.....	Plastics materials, synthetic resins, and nonvulcanizable elastomers.....	750
2822.....	Synthetic rubber (vulcanizable elastomers).....	1,000
2823.....	Cellulosic man-made fibers.....	1,000
2833.....	Medicinal chemicals and botanical products.....	750
2834.....	Pharmaceutical preparations.....	750
2841.....	Soap and other detergents, except specialty cleaners.....	750
2892.....	Explosives.....	750

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE
STANDARDS FOR THE PURPOSE OF GOVERNMENT
PROCUREMENT—Continued

Manufacturing—Continued

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLAS-
TICS PRODUCTS

Census classification code	Industry	Employ- ment size standard (number of employees)
3011.....	Tires and inner tubes.....	1,000
3021.....	Rubber footwear.....	1,000
3031.....	Reclaimed rubber.....	750

MAJOR GROUP 32—STONE, CLAY, AND GLASS PRODUCTS

3211.....	Flat glass.....	1,000
3221.....	Glass containers.....	750
3229.....	Pressed and blown glass and glassware, not elsewhere classified.	750
3241.....	Cement, hydraulic.....	750
3261.....	Vitreous china plumbing fix- tures and china and earth- enware fittings and bath- room accessories.	750
3292.....	Asbestos products.....	750
3296.....	Mineral wool.....	750
3297.....	Nonclay refractories.....	750

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

3312.....	Blast furnaces (including coke ovens), steel works, and rolling mills.	1,000
3313.....	Electrometallurgical prod- ucts.	750
3315.....	Steel wire drawing and steel nails and spikes.	1,000
3316.....	Cold rolled sheet, strip, and bars.	1,000
3317.....	Steel pipe and tubes.....	1,000
3331.....	Primary smelting and re- fining of copper.	1,000
3332.....	Primary smelting and re- fining of lead.	1,000
3333.....	Primary smelting and re- fining of zinc.	750
3334.....	Primary production of alu- minum.	1,000
3339.....	Primary smelting and re- fining of nonferrous met- als, not elsewhere class- ified.	750
3351.....	Rolling, drawing, and ex- truding of copper.	750
3352.....	Rolling, drawing, and ex- truding of aluminum.	750
3356.....	Rolling, drawing, and ex- truding of nonferrous met- als, except copper and aluminum.	750
3357.....	Drawing and insulating of nonferrous wire.	750

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EX-
CEPT ORDNANCE, MACHINERY, AND TRANSPORTATION
EQUIPMENT

3411.....	Metal cans.....	1,000
3431.....	Enameled iron and metal sanitary ware.	750

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

3531.....	Construction machinery and equipment.	750
3562.....	Ball and roller bearings....	750
3571.....	Computing and accounting machines, including cash registers.	1,000
3572.....	Typewriters.....	1,000
3585.....	Refrigerators; refrigeration machinery, except house- hold; and complete air conditioning units.	750

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE
STANDARDS FOR THE PURPOSE OF GOVERNMENT
PROCUREMENT—Continued

Manufacturing—Continued

MAJOR GROUP 36—ELECTRICAL MACHINERY,
EQUIPMENT AND SUPPLIES

Census classification code	Industry	Employ- ment size standard (number of employees)
3612.....	Power, distribution, and specialty transformers.	750
3613.....	Switchgear and switchboard apparatus.	750
3621.....	Motors and generators.....	1,000
3622.....	Industrial controls.....	750
3624.....	Carbon and graphite prod- ucts.	750
3631.....	Household cooking equip- ment.	750
3632.....	Household refrigerators and home and farm freezers.	1,000
3633.....	Household laundry equip- ment.	1,000
3634.....	Electric housewares and fans.	750
3635.....	Household vacuum cleaners.	750
3641.....	Electric lamps.....	1,000
3651.....	Radio and television re- ceiving sets, except com- munication types.	750
3652.....	Phonograph records.....	750
3661.....	Telephone and telegraph apparatus.	1,000
3662.....	Radio and television trans- mitting, signaling and de- tection equipment and apparatus.	750
3672.....	Cathode ray picture tubes..	750
3673.....	Transmitting, industrial, and special purpose elec- tron tubes.	750
3692.....	Primary batteries, dry and wet.	1,000
3694.....	Electrical equipment for in- ternal combustion en- gines.	750

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

3717.....	Motor vehicles and parts....	1,000
3721.....	Aircraft.....	1,000
3722.....	Aircraft engines and engine parts.	1,000
3723.....	Aircraft propellers and pro- peller parts.	1,000
3729.....	Aircraft parts and auxiliary equipment, not elsewhere classified.	1,000
3741.....	Locomotives and parts.....	1,000
3742.....	Railroad and street cars....	750

MAJOR GROUP 38—MISCELLANEOUS MANUFACTURING
INDUSTRIES

3982.....	Linoleum, asphalted-felt- base, and other hard sur- face floor coverings, not elsewhere classified.	750
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[F.R. Doc. 62-11484; Filed, Nov. 19, 1962;
8:47 a.m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14654; FCC 62M-1518]

ANDREW T. BARNES ET AL.

Order Continuing Hearing

In the matter of Andrew T. Barnes, tr/as Thornell Barnes Company, Complainant, vs. Illinois Bell Telephone Company, defendant.

The Hearing Examiner having under consideration:

(a) A Motion for Extension of Time, filed on behalf of the complainant on November 2, 1962, wherein it is requested that the prehearing conference originally scheduled to be held on November 15, 1962, be rescheduled for November 27, 1962; and

(b) A letter, dated November 13, 1962, from counsel for the complainant wherein it is stated that counsel for the defendant has advised that the date of November 27, 1962, is inconvenient and that all parties request that the Examiner reschedule the prehearing conference for December 10, 1962;

It appearing, that good cause has been shown for a grant of the request for postponement of the conference;

It further appearing that the provisions of 47 CFR 1.43 relating to the withholding of action on petitions and the provisions of the Commission's rules relating to the specification, service and the filing of copies may be waived so that prompt action may be taken on the original motion of November 2, as modified by the letter of November 13.

It is ordered, This 14th day of November 1962, that the motion, as informally modified, is granted; that the prehearing conference heretofore scheduled for November 15, 1962, is rescheduled for 9:00 a.m., December 10, 1962; and the hearing, heretofore scheduled to commence on December 10, 1962, is postponed to a date to be fixed at the aforementioned prehearing conference.

Released: November 15, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11509; Filed, Nov. 19, 1962;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SANTEE AUCTION CO. ET AL.

Notice of Changes in Names and Addresses of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which

were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards

Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

CALIFORNIA

<i>Original Name of Stockyard, Location, and Date of Posting</i>	<i>Current Name of Stockyard and Date of Change in Name</i>
Santee Auction Co., Santee, Sept. 30, 1959.	Santee Livestock Auction, Inc., Oct. 1, 1962.

GEORGIA

Smith Stockyard Co., Thomson, June 2, 1959.	Thomson Stock Yard, Aug. 3, 1962.
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IOWA

Warren County Sale Co., Indianola, June 10, 1959.	Indianola Sales Co., Aug. 14, 1962.
Ogden Sales Co., Ogden, May 18, 1959.	Ogden Sales Barn, Apr. 3, 1962.
Ottumwa Sale Co., Ottumwa, May 23, 1959.	Ottumwa Livestock Auction, June 1, 1962.
Eastern Iowa Livestock Comm. Co., Inc., Mechanicsville, May 20, 1959.	Eastern Iowa Livestock Comm., Inc., July 26, 1962.
Waverly Sales Co., Waverly, Mar. 12, 1957.	Waverly Sales Co., Inc., Aug. 5, 1957.

KANSAS

Hugoton Livestock Commission Co., Hugoton, Dec. 7, 1959.	Hugoton Livestock Commission Co., Inc., June 1, 1962.
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LOUISIANA

Franklin Livestock Auction, Winnsboro, May 23, 1957.	Franklin Livestock Auction, Inc., Jan. 1, 1962.
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MARYLAND

Grantsville Livestock Auction, Grantsville, Oct. 29, 1959.	Grantsville Community Sales, Inc., Apr. 1, 1962.
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MINNESOTA

Farmers Livestock Exchange, Caledonia, Oct. 23, 1959.	Farmers Livestock Auction Market, Jan. 1, 1962.
Le Sueur Sales Barn, Inc., Le Sueur, Oct. 17, 1959.	Le Sueur Livestock Commission Co., Inc., Aug. 22, 1962.

MISSISSIPPI

Claiborne County Stockyards, Port Gibson, Feb. 16, 1959.	Southwest Stockyards, Inc., Mar. 8, 1962.
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MISSOURI

Gallatin Livestock Auction, Gallatin, May 20, 1959.	Gallatin Livestock Auction, Inc., May 1, 1962.
Kahoka Sale Co., Kahoka, Feb. 7, 1962.	Kahoka Sale Co., Inc., Feb. 7, 1962.
Adair County Sale Barn, Kirksville, May 28, 1959.	Adair County Sales Barn, June 6, 1962.

NEBRASKA

Burwell Livestock Market, Burwell, Jan. 26, 1950.	Burwell Livestock Market, Inc., Aug. 5, 1962.
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OKLAHOMA

Stockton Commission Co., Cheyenne, Sept. 16, 1960 (changed from Cheyenne Livestock Auction, Feb. 21, 1961).	Cheyenne Auction Sale, Aug. 21, 1962.
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SOUTH DAKOTA

Clark Sales Co., Clark, May 8, 1959.	Clark Livestock Auction Co., Aug. 17, 1962.
Miller Livestock Auction, Miller, Dec. 2, 1949.	Miller Livestock Auction Co., Feb. 28, 1962.
Selby Livestock Sales Co., Selby, June 5, 1959.	Selby Livestock Sales Co., June 1, 1962.
Anderson Livestock Sales Yard, Yankton, Nov. 20, 1933.	Stockman's Livestock Auction Co., Aug. 1, 1962.

TENNESSEE

Greeneville Livestock Co., Greeneville, Aug. 24, 1938.	Greeneville Livestock Co., Inc., July 23, 1962.
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TEXAS

Wood County Livestock Auction, Mineola, Dec. 18, 1959.	Wood County Livestock Auction Co., June 14, 1962.
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WASHINGTON

Tri-County Livestock Commission Co., Rochester, May 5, 1960.	Tri-County Livestock Commission, Inc., July 1, 1962.
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Change of address of posted stockyard; notice is hereby given that the Post Office Department has designated Riverdale, California, as the mailing address of the Camden Auction Sales Yard, which is located at Laton, California.

Done at Washington, D.C., this 13th day of November 1962.

H. L. JONES,
Chief, Rates and Registrations
Branch, Packers and Stock-
yards Division, Agricultural
Marketing Service.

[F.R. Doc. 62-11486; Filed, Nov. 19, 1962;
8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 290-62]

CERTAIN OFFICERS AND EMPLOYEES OF DEPARTMENT OF JUSTICE

Order Providing for Termination of Appointment or Authority

Providing for the termination of the appointment or of the authority of officers and employees of the Department of Justice appointed to be, or authorized and required to perform the functions of, a Deputy United States Marshal or a Special Deputy United States Marshal in connection with temporary duty outside the judicial district in which their duty station is located.

By virtue of the authority vested in me by section 161 of the Revised Statutes, as amended (5 U.S.C. 22), section 360 of the Revised Statutes (5 U.S.C. 311), 28 U.S.C. 542, and sections 1 and 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is hereby ordered that, except as expressly exempted from the provisions of this order, whenever an officer or employee of the Department of Justice is appointed to be, or authorized and required to perform the functions of, a Deputy United States Marshal or a Special Deputy United States Marshal in connection with temporary duty in a judicial district other than the one in which his normal duty station is located, his appointment or his authorization to perform such functions shall terminate upon his return to his normal duty station for resumption of duty at such station.

This order shall not apply to officers and employees of the Immigration and Naturalization Service performing the functions of a United States Deputy Marshal in accordance with the provisions of § 0.105(j) of Order No. 271-62 (27 F.R. 5170).

The effective date of this order shall be June 1, 1962.

Dated: November 16, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-11599; Filed, Nov. 19, 1962;
11:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE A. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of November 8, 1962.

GEORGE A. SANDS.

[F.R. Doc. 62-11511; Filed, Nov. 19, 1962;
8:52 a.m.]

ATOMIC ENERGY COMMISSION

NOTICE OF DOMESTIC URANIUM PROCUREMENT PROGRAM FROM JANUARY 1, 1967, THROUGH DE- CEMBER 31, 1970

1. Notice is hereby given by the Atomic Energy Commission of a program for domestic uranium procurement from January 1, 1967, through December 31, 1970. The new program contemplates a deferral of a portion of the material now contracted for delivery to the AEC before 1967 and the purchase by the AEC of an additional quantity equal to the amount deferred.

2. The present procurement program, based on the AEC's announcement of May 24, 1956, as modified by the announcement of November 24, 1958, ends December 31, 1966.

3. Uranium milling companies are invited to submit proposals covering the quantity of U_3O_8 in concentrate in their present contracts with the AEC which they would be willing to defer for delivery after 1966. The deferred material would be purchased during the period January 1, 1967, through December 31, 1968, at the prices established for such material under present contracts.

4. An additional quantity of concentrates, equal to the quantity deferred and delivered in 1967 and 1968, would be purchased during the period January 1, 1969 through December 31, 1970, at fixed prices per pound of U_3O_8 . The fixed prices under each milling contract will be determined by use of a formula based on average allowable costs of production for the period 1963-1968, such costs to be determined by an audit of mining and milling costs. The fixed price per pound of U_3O_8 delivered in acceptable concentrate will be 85 percent of the allowable production cost per pound plus \$1.60, subject to a maximum price of \$6.70 per pound. Allowable production costs will be defined in the contracts in

conformance with uniform cost principles to be established. A statement of these cost principles will be available at the AEC's Grand Junction Office at an early date. In establishing the prices to apply in 1969 and 1970, the average allowable production cost developed for the 1963-1968 period will be escalated, within the ceiling of \$6.70, to reflect calendar year 1968 cost levels for major operating supplies and services.

5. Independent uranium ore producers who wish to participate in this program must have ore sales contracts with milling companies, which contracts have been approved by the AEC under the November 24, 1958, announcement, and should arrange to have their proposed deferment incorporated in the proposal submitted to the AEC by the milling company. Any modification of an ore producer's existing ore sales contract or other related agreements, which may be required to permit participation in the new program, will be the responsibility of the parties to such contract or agreements.

6. Proposals for participation in the new program should be submitted to the Commission's Grand Junction, Colorado, Office as soon as possible. The AEC will evaluate proposals submitted in response to this announcement as soon as feasible. Proposals will serve as the basis for the negotiation of appropriate modifications to existing contracts. However, the AEC reserves the right, as may be in the best interests of the Government, to reject any or all proposals which are submitted for evaluation, and may reject without evaluation any proposals received after March 1, 1963. Furthermore, the AEC may limit the additional quantity purchased to 16,000 tons of U_3O_8 .

7. New contract quantities and delivery schedules will be made effective through appropriate contract revisions and may be retroactive to January 1, 1963. The AEC may approve in writing reductions in production levels, effective January 1, 1963, pending completion of stretch-out negotiations. In the event of failure of negotiations, deficiencies in deliveries resulting from such approved reductions may be made up during the term of existing contracts. Unless otherwise agreed, contracts shall provide for the scheduling of production and deliveries during the period January 1, 1963, through December 31, 1970, at reasonably uniform rates. The Commission, however, may entertain proposals for deferral of quantities which would result in higher or lower delivery rates in the 1967-1970 period than in the pre-1967 period, taking into consideration the total quantity of deferral covered by proposals received. In any event, however, the amount of additional purchases in the 1969-1970 period will be limited to a quantity equal to actual deliveries in 1967-1968.

8. With respect to deliveries before January 1, 1969, all proposals must be limited to U_3O_8 in concentrates produced from ores derived from property units which are determined by the AEC to be

eligible under the November 24, 1958, announcement, and which are producing under contracts with AEC, or under AEC approved ore sales contracts with milling companies. All proposals will be reviewed on the basis of the productive capability of the property units.

9. Proposals may include requests for consolidation of producing mining property units, and of milling operations or milling contracts. Agreement must be reached with the AEC that each of the mining property units included in a proposed consolidation is capable of producing its remaining contract quantity, or a stated portion thereof, under the procurement program ending December 31, 1966. Proposals for consolidation will also be reviewed in relation to other factors pertinent to the objectives of the AEC's uranium procurement program such as the effect on producing areas, the conservation of resources, and possible economic implications.

10. The program announced June 29, 1962, for the purchase of U_3O_8 in concentrates derived from ore produced from small domestic mining property units having production allocations of less than 20,000 pounds U_3O_8 in ore per year, will continue to the end of the present program on December 31, 1966.

11. In each six months period beginning January 1 and July 1 during calendar years 1967-68, the AEC will permit milling companies having contract modifications completed under this announcement to purchase up to 10,000 pounds of U_3O_8 in ore produced from any small property unit which has had a production allocation of less than 20,000 pounds of U_3O_8 per year and which had produced and delivered ore to a mill during the period April 1, 1962-December 31, 1966, in accordance with ore sales contracts approved by the AEC. Deliveries from such small property units will be subject to the limitations set forth in the June 29, 1962, announcement, including the over-all limitation of 1,000,000 pounds of U_3O_8 in ore per year. Concentrates delivered during 1967 and 1968, which have been derived from the ores produced under this provision from such small property units, will be purchased at \$8 per pound of U_3O_8 .

12. Producing eligible property units with pre-1967 allocations of 20,000 pounds or more of U_3O_8 in ore per year, which are not otherwise included in this program, may obtain a market during the 1967-68 period subject to an appropriate contract modification with the applicable milling company providing for a reduction in the property unit's 1963-66 contract quantity to 20,000 pounds of U_3O_8 in ore annually. Upon AEC approval of the contract modification, the market for each such property unit will be established at 20,000 pounds throughout the 1963-66 and 1967-68 periods. Such property units will not be subject to the annual limitation of 1,000,000 pounds of U_3O_8 in ore for production from small property units during these periods. Concentrates delivered during 1967 and 1968 which have been derived from ores produced under this provision

from such property units will be purchased at \$8 per pound of U_3O_8 .

13. In each six months period beginning January 1 and July 1 during calendar years 1969 and 1970 the AEC will permit milling companies having contract modifications completed under this announcement to purchase under ore sales contracts approved by the AEC up to 10,000 pounds of U_3O_8 in ores from each mining property not otherwise having a market under this new program, subject to an over-all limitation of 1,000,000 pounds of U_3O_8 in ore per year. The AEC may uniformly reduce the total each property may deliver if it appears likely to the AEC that total annual production by such properties will exceed 1,000,000 pounds. Concentrates delivered during 1969 and 1970, which have been derived from ores produced and delivered during this period, will be purchased at a price of \$6.70 per pound of U_3O_8 . Any mining property or property unit which has been subdivided into several properties or production units may, at the sole discretion of the AEC, be defined as a single property for the purpose of administering this provision.

14. All production before January 1, 1969, under the program herein announced, must be from individual property units as established in milling contracts and ore sales contracts approved by the AEC. In 1969 and 1970, production may be derived from any domestic source, except that, without the prior approval of the AEC, no ore producer or milling company will be permitted to acquire ore for the production of concentrate for sale to the AEC under this program derived from a mining property which is controlled, or may have been controlled, by any other ore producer or milling company while participating in this program.

15. AEC requirements for U_3O_8 through 1970, as currently estimated, are significantly below the amounts which would be available if domestic operations continued through that period at current production levels. The AEC believes that this program is in the best interest of both the Government and industry, in that it should effect a better balance between AEC receipts and requirements between now and 1970 and help provide for a continuing industry to supply the anticipated future commercial market. Should requirements be larger than now estimated, it is expected that production facilities in operation will be sufficient to meet them.

16. This program provides a basis on which uranium producers looking to the future can extend their operations. Alternatively, they may elect to continue their present production and marketing arrangements with no assurance of a market after 1966.

Dated at Germantown, Md., this 16th day of November 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-11569; Filed, Nov. 19, 1962; 11:10 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-047023]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 13, 1962.

Notice of an application, serial number Wyoming 047023, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 59-7106 on page 6956 of the issue for August 27, 1959. The applicant Agency has canceled its application, and pursuant to the regulations contained in 43 CFR Part 295, such lands will be, at 10 a.m. on December 10, 1962, relieved of the segregative effort of the above mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 60 W.,

Sec. 18: Lots 4, 5, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;

Sec. 19: Lots 1, 2, 3, $NE\frac{1}{4}SW\frac{1}{4}$.

T. 22 N., R. 61 W.,

Sec. 23: $NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$;

Sec. 24: $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;

Sec. 25: $N\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$.

Total area aggregates approximately 1540.73 acres.

BURTON W. SILCOCK,
Acting State Director.

[F.R. Doc. 62-11481; Filed, Nov. 19, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14152; Order No. E-19011]

FRONTIER AIRLINES, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of November 1962.

Frontier Airlines, Inc. (Frontier), by tariff revisions filed October 11, 1962, to become effective November 10, 1962, proposes to amend the family plan provisions to provide that family plan fares, presently applicable for travel only from 12:01 p.m. Monday to 12:01 p.m. Thursday, will apply for travel all days of the week. The carrier also proposes that the fare for the family members, presently 66⅔ percent of the adult one-way first-class fare, will be reduced to 50 percent of the adult one-way first-class fare for the accompanying spouse and 25 percent of the adult one-way first-class fare for accompanying children 2 through 21 years of age. Also, the minimum fare for the family plan travel is being reduced from \$4.70 one-way to \$2.50 one-way.

The Board, after consideration of the proposed reduced fares, finds that the provision for children's fares in the revised family fare plan of the carrier may be unjust and unreasonable, unjustly discriminatory, unduly preferential, un-

duly prejudicial, or otherwise unlawful, and that such a rule should be investigated. The proposed children's fare rule provides for a discount of 75 percent from regular fares, and would produce net yields which appear unreasonably low.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 404, and 1002 thereof,

It is ordered:

1. An investigation be instituted to determine whether the provisions of Rule 44(C) (2) (c) (ii) of Agent C. C. Squire's C.A.B. No. 43 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions.

2. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order shall be served upon Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-11504; Filed, Nov. 19, 1962;
8:51 a.m.]

[Docket No. 14154]

SLICK CORP.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of November 1962.

In the matter of "economy" freight rates proposed by the Slick Corporation. (Note Dockets 14122, 14130, and 14135.)

By tariffs marked to become effective November 18, 1962, The Slick Corporation, also operating as Slick Airways (Slick), proposes an "economy service" involving delayed release of shipments between New York/Newark and San Francisco/Oakland, in both directions. The filings cover general commodities and are to expire, by their terms, on April 18, 1963. The proposed rates are substantially below general commodity rates in effect for standard service for both Slick and competing carriers, and slightly above effective deferred rates.

Slick has filed a statement, declaring, inter alia, that its proposal offers an attractive alternative intermediate in both rates and speed of service between overnight service at standard rates, deferred air service involving fourth day delivery, and surface transport with fourth to sixth day delivery; that the proposed rates were computed on the basis of dividing the difference between rates for overnight air service and for REA Express by the difference in number of days in transit required by the two services; that the rates filed are designed to be competitive with REA Express for a number of commodities, and would attract surface freight now moving at relatively high rates; that, on an incremental or top-off basis, the proposed rates are more compensatory than de-

ferred rates, since they are higher; that the proposed rates would cover direct operating costs during the current phase of its operations (filling otherwise empty space) and make a contribution toward overhead; that the rates would cover fully allocated expenses when lower cost CL-44 aircraft are introduced toward the close of 1963; that the proposed service is necessary both to fill empty capacity currently and to build volume loads sufficient to justify early use of the CL-44; that the proposed service would avoid diversion from either the current first class or deferred service by (1) having significant differences in delivery dates, (2) being confined to only one market, and (3) having an expiry date five months after its effectiveness.

Complaints requesting investigation and suspension were filed by National Motor Freight Traffic Association, Inc., The Flying Tiger Line Inc., and Trans World Airlines, Inc. In summary, these complaints variously declare that the economy proposals are essentially similar, in both service and rates, to the second class proposal recently suspended by the Board; that diversion from current traffic at both standard and deferred rates would be significant, especially after Slick extends service to additional points; that the proposals would not attract additional traffic, but would merely dilute current yields; that the deferred service would have to be abandoned and the economy proposal adopted; that Slick's method of computing the proposed rates based upon an implied "value of service" per day of service is haphazard and is not substantiated by the facts; that Slick's statement that deferred service is not competitive with REA Express is incorrect, as shown by the large amount of westbound deferred traffic at rates above REA's; that the proposals are below fully-allocated costs and hence lack adequate cost justification when applied to general commodities transported in regular service. Slick has filed a reply to the foregoing complaints, which essentially reiterates its original position.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. The proposal involves a significant relaxation of the provisions which the Board has imposed for deferred air freight in order to prevent undue diversion and consequent diminution of yield from first class service. (See Deferred Air Freight Case, 23 CAB 651 (1956) and Deferred Air Freight Renewal Case, 27 CAB 627 (1958)). The rates proposed are only slightly above the deferred rates in effect, but the service is one whole day faster. However, we have decided not to suspend the proposal but to permit it to become effective pending investigation in view of its relatively short period of effectiveness, the restriction of the proposal to one market, and the limited current capacity available to Slick to handle the traffic which should minimize the impact upon competitors. In addition, the proposal should be a useful experiment in air freight service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof; It is ordered, That:

1. An investigation is instituted to determine whether the provisions of Rule No. 50 on 13th Revised Page 16-D and the rates bearing the reference mark "*" from New York-Newark to San Francisco-Oakland on 27th Revised Page 113 and from San Francisco-Oakland to New York-Newark on 31st Revised Page 114 of Agent J. Aniello's C.A.B. No. 8, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. The complaints of National Motor Freight Association, Inc., in Docket 14135, The Flying Tiger Line Inc. in Docket 14122, and Trans World Airlines, Inc. in Docket 14130 be dismissed to the extent not granted herein.

3. The complaints in Dockets 14135, 14122, and 14130, to the extent granted, be consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place thereafter to be designated.

5. Copies of this order shall be served on National Motor Freight Association, Inc., The Flying Tiger Line Inc., The Slick Corporation, and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.¹

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-11505; Filed, Nov. 19, 1962;
8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended); Supp. 1]

ORGANIZATION AND FUNCTIONS

Specific Authorities Delegated to Secretary

Commission Order No. 1 (amended) is hereby supplemented to add subparagraph 9.02, as follows:

SEC. 9. *Specific Authorities Delegated to the Secretary.*

9.02 Authority to prescribe a time limit less than twenty days from date published in the FEDERAL REGISTER, for the submission of written comments with reference to agreements filed pursuant to Section 15 of the Shipping Act of 1916.

Dated: November 8, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-11467; Filed, Nov. 19, 1962;
8:45 a.m.]

¹Gurney and Gilliland, Members, concurring and dissenting, dissenting statement filed as part of original document.

FEDERAL POWER COMMISSION

[Docket Nos. RI63-128, RI63-129]

HUNT OIL CO. AND SUN OIL CO.

Notice of Consolidation of Proceedings

NOVEMBER 7, 1962.

The proceedings in Hunt Oil Company, Docket No. RI63-128, and Sun Oil Company, Docket No. RI63-129, relate to proposed increased rates and charges which have heretofore been suspended by orders of the Commission issued October 31, 1962.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that the public hearings which were directed by the October 31, 1962, suspension orders to be held separately on December 17, 1962, commencing at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., will now be held as a consolidated hearing at the same time and location.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11473; Filed, Nov. 19, 1962; 8:46 a.m.]

[Docket No. CP63-18]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

NOVEMBER 2, 1962.

Take notice that on July 16, 1962, Transcontinental Gas Pipe Line Corpo-

ration (Applicant), P.O. Box 296, Houston 1, Texas, filed in Docket No. CP63-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 209 feet of pipeline and appurtenances located within the bounds of Applicant's existing Cow Island Junction in Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject facilities will be used for the purpose of making natural gas fuel¹ available to the Cow Island Extraction Plant of Goliad Corporation and Union Oil Company of California from Applicant's transmission purchase laterals converging within Cow Island Junction.

The estimated cost of the subject facilities is \$39,472, for which Applicant will be reimbursed by the extraction plant operators.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it

will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11474; Filed, Nov. 19, 1962; 8:46 a.m.]

[Docket Nos. RI63-173-RI63-178]

PRODUCING PROPERTIES, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

NOVEMBER 9, 1962.

Producing Properties, Inc., Docket No. RI63-173; Sohio Petroleum Company, Docket No. RI63-174; Texas Pacific Coal and Oil Company, Docket No. RI63-175; London Gas Company, et al., Docket No. RI63-176; London Gas Company, Docket No. RI63-177; H. A. Ellis, et al., d/b/a All Star Gas Company, Docket No. RI63-178.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI63-173...	Producing Properties, Inc., 35th Floor Southland Center, Dallas 1, Tex.	31	5	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	\$4,354	10-11-62	11-11-62	4-11-63	12.0	13.0	-----
RI63-174...	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla.	61	2	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.).	231	10-11-62	12-1-62	5-1-63	16.0	17.0	-----
RI63-175...	Texas Pacific Coal and Oil Co., P.O. Box 2110, Fort Worth, Tex.	58	8	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	4,000	10-12-62	12-1-62	5-1-63	16.5	17.5	R 160-45
RI63-176...	London Gas Co. et al., 4704 North Miller, Oklahoma City 12, Okla.	2	3	Lone Star Gas Co. (Asphaltum Field, Stephens and Jefferson Counties, Okla.).	173	10-15-62	1-1-63	6-1-63	11.0	12.0	-----
RI63-177...	London Gas Co. et al.	4	4	do.	55	10-15-62	1-1-63	6-1-63	11.0	12.0	-----
	London Gas Co.	5	5	do.	26	10-15-62	1-1-63	6-1-63	11.0	12.0	-----
RI63-178...	do.	7	4	do.	251	10-15-62	1-1-63	6-1-63	11.0	12.0	-----
	H. A. Ellis, et al., d/b/a All Star Gas Co., 624 South Cheyenne, Tulsa, Okla.	2	2	Lone Star Gas Co. (North Healdton Field, Carter County, Okla.).	3,830	10-17-62	1-1-63	6-1-63	11.0	12.0	-----

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

² The stated effective date is the effective date proposed by Respondent.

³ Periodic rate increase.

⁴ Subject to downward Btu adjustment for gas containing less than 1000 Btu's per cu. ft. (actual Btu content is 730 Btu's per cu. ft.).

⁵ Subject to downward Btu adjustment for gas containing less than 1000 Btu's per cu. ft. but rate not to be less than 11.0 cents per Mcf regardless of Btu content (Btu content is 730 Btu's per cu. ft.).

⁶ Includes 1.0 cent per Mcf paid to seller for relinquishing right to process gas.

The proposed increased rates and charges exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable,

¹ The gas stream containing the fuel also contains gas from which a portion of the ethane and heavier hydrocarbons may be ex-

unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary

tracted by the plant operators before return to Applicant's system.

and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 26, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11476; Filed, Nov. 19, 1962;
8:46 a.m.]

[Docket No. CP61-199]

EAST TENNESSEE NATURAL GAS CO.

Order Reopening and Remanding Proceeding and Setting Date of Hearing

NOVEMBER 9, 1962.

The Decision of the Presiding Examiner in the above-styled proceeding denying the certificate of public convenience and necessity sought pursuant to section 7 of the Natural Gas Act was issued July 30, 1962. The Examiner concluded that the engineering report and supporting testimony submitted by the Unicoi County Utility District was deficient in that the " * * * conclusions about the economic feasibility of the Unicoi Project are not supported with facts of record." (Mimeo. p. 5.) Accordingly, the application was denied but without prejudice to the applicant. The Examiner was of the opinion that the Applicant should be given an opportunity to remedy the factual deficiencies in the record.

On August 22, 1962, East Tennessee Natural Gas Company (Applicant) filed with the Commission a petition to reopen the record for the purpose of sub-

mitting additional economic feasibility data and testimony. By Order of the Commission issued August 30, 1962 this petition was denied on the grounds that sufficient facts had not been submitted warranting reopening.

On October 10, 1962, Applicant again filed a petition to reopen this proceeding. Attached to this petition was a revised engineering study and further proposed testimony which would be presented should this proceeding be reopened. Applicant states that this evidence will cure the deficiencies which the Examiner outlined in his Decision.

No objection to the granting of the petition has been filed.

We agree with the Presiding Examiner that the circumstances in this case are such that the Applicant should be given an opportunity to make a further showing of the economic feasibility of the Unicoi project and to that end we are hereby reopening this proceeding to permit the Applicant to present further evidence. The other parties to this proceeding shall be afforded opportunity for cross-examination and presentation of such testimony as may be relevant and material to the issues presented.

The Commission finds: It is desirable and in the public interest to reopen the record in this proceeding to permit the Applicant to present further evidence in the proceeding with opportunity for cross-examination and presentation of evidence afforded to other parties to the proceeding.

The Commission orders:

(A) In accordance with § 1.33 of the rules of practice and procedure the above-captioned proceeding be and hereby is reopened and remanded to the Presiding Examiner for the purposes specified in the Finding paragraph of this order.

(B) Further hearing concerning the above matter will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. commencing December 10, 1962, 10:00 a.m., e.s.t.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11475; Filed, Nov. 19, 1962;
8:46 a.m.]

[Docket No. G-6650 etc.]

SUN OIL CO. ET AL.

Order Accepting Superseding Rate Filing, Substituting Respondent, Redesignating Proceeding, Requiring Filing of Undertaking To Assure Refund of Excess Charges, Terminating Certificate of Public Convenience and Necessity, and Terminating Show Cause Proceedings

NOVEMBER 9, 1962.

Sun Oil Company, Docket No. G-6650; South-Tex Corporation (Operator), et al. (formerly Sun Oil Company), Docket No. RI62-418; South-Tex Corporation, Docket No. RI62-419; Associated Oil & Gas Company, Docket No. RI62-420.

On May 11, 1962, the Commission issued an order in the above-entitled proceedings directed toward the resolution of a controversy involving the refusal of an operator of a gas sales contract to file an increased rate proposal in behalf of a non-operator who is a non-signatory co-owner of gas sold under said contract. The controversy herein arose between Sun Oil Company (Sun) and South-Tex Corporation (South-Tex) when Sun, a non-signatory to the gas sales contract, was prohibited from filing a proposed increased rate pursuant to the provisions of § 154.91(d) of the Commission's regulations under the Natural Gas Act, and South-Tex, the operator, refused to file for Sun's interest. In order to protect Sun, the Commission, in its May 11, 1962, order, accepted for filing Sun's proposed rate and suspended it for one day in Docket No. RI62-418.¹ The said order also instituted show cause proceedings against South-Tex in Docket No. RI62-419 and Associated Oil & Gas Company (Associated)² in Docket No. RI62-420 to determine, inter alia, why either South-Tex or Associated, as an operator who is a signatory party to a gas sales contract, should not make rate filings for Sun, a non-signatory co-owner.

The sales of natural gas involved herein are made pursuant to an agreement, dated November 1, 1953, between Sun and South-Tex whereby the parties agreed that South-Tex would process all of the gas produced from Sun's E. M. Brownlee lease, Nueces County, Texas (Railroad Commission District No. 4) and would deliver the quantity of residue gas equal to 95 percent of the daily quantity of gas delivered by Sun to South-Tex to Tennessee Gas Transmission Company under South-Tex's sales contract with Tennessee.

On June 7, 1962, Associated filed in answer to the Commission's order, its averment that it had no right, title or interest in the properties or facilities concerned. On the same day, South-Tex filed its answer in which it recited the events leading up to its failure to file on behalf of Sun, and stated that it was ready and willing to file if so advised by the Commission.

On October 12, 1962, South-Tex filed, on behalf of Sun only, a notice of change dated October 10, 1962 (designated Supplement No. 27 to South-Tex Corporation (Operator), et al. FPC Gas Rate Schedule No. 1) requesting that the increased rate of 17.24347¢ per Mcf, which is currently being collected, subject to refund, by Sun under Docket No. RI62-418, be collected by South-Tex as operator under the subject gas sales contract.

¹ Sun's proposed increased rate, from 12.12268¢ to 17.24347¢ per Mcf, designated as Supplement No. 10 to Sun Oil Company's FPC Gas Rate Schedule No. 31, was suspended until May 14, 1962, at which time it became effective subject to refunding obligations assured by Sun's filing of its undertaking and agreement.

² In its application for rehearing filed on April 12, 1962, in Docket No. G-6650, Sun stated that it "believes" Associated has succeeded to the interest of South-Tex.

In consideration of the equities involved herein, we believe that South-Tex's filing on behalf of Sun should be accepted as hereinafter ordered; that Sun's FPC Gas Rate Schedule No. 31, as supplemented, which was reaccepted as a temporary rate schedule, should be considered superseded by South-Tex's October 12 filing; that South-Tex should be substituted for Sun as respondent in the proceeding in Docket No. RI62-418; that South-Tex should file an acceptable agreement and undertaking in the proceeding in Docket No. RI62-418 to assure the refund of any excess charges; that Sun's reinstated certificate in Docket No. G-6650 should be terminated; and that the show cause proceedings instituted against South-Tex and Associated in Docket Nos. RI62-419 and RI62-420, respectively, should be terminated.

Our action herein does not affect South-Tex's collection of a 15.0¢ per Mcf settlement rate, pursuant to the Commission's order issued April 6, 1961, accepting an offer of settlement in Docket No. RI61-243, which it is collecting on its own and other co-owners' behalf (except Sun's) without refund obligations. This order pertains only to Sun's interest.

The Commission orders:

(A) Supplement No. 27 to South-Tex Corporation (Operator), et al., FPC Gas Rate Schedule No. 1 is hereby accepted for filing to be effective subject to refund, as of May 14, 1962, and said supplement

is hereby considered as superseding Sun Oil Company FPC Gas Rate Schedule No. 31, as supplemented.

(B) South-Tex Corporation is hereby substituted for Sun Oil Company in the proceeding in Docket No. RI62-418; and said proceeding is redesignated as South-Tex Corporation (Operator), et al.

(C) Within 30 days of the issuance of this order South-Tex Corporation shall execute an acceptable agreement and undertaking to assure the refunding of any charges determined to be excessive in Docket No. RI62-418, and shall tender it for filing with the Commission. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing. The effective rate as set forth in Supplement No. 27 to South-Tex Corporation (Operator), et al., FPC Gas Rate Schedule No. 1 shall be charged and collected commencing May 14, 1962, subject to further orders of the Commission in the proceeding in Docket No. RI62-418.

(D) South-Tex Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder. The agreement and undertaking required to be filed pursuant to paragraph (C) above, shall remain in full force and effect and until discharged by the Commission.

(E) The certificate of public convenience and necessity issued to Sun Oil Company in Docket No. G-6650 is hereby terminated.

(F) The show cause proceedings in Docket No. RI62-419 and RI62-420 are hereby terminated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11477; Filed, Nov. 19, 1962;
8:46 a.m.]

[Docket Nos. RI63-179; RI63-181]

TEXAS PACIFIC COAL AND OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

NOVEMBER 9, 1962.

Texas Pacific Coal and Oil Company, Docket No. RI63-179; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. RI63-180; Western Natural Gas Company, Docket No. RI63-181.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI63-179...	Texas Pacific Coal and Oil Co., General Offices, Fort Worth 1, Tex.	27	1	Phillips Petroleum Co. (Azalea Field, Midland County, Tex.) (R.R. District No. 8).	\$152	10-12-62	1-1-63	6-1-63	12.55	² 13.56	-----
RI63-180...	Texas Pacific Coal and Oil Co. (Operator), et al.	28	1	do-----	1,212	10-12-62	1-1-63	6-1-63	12.55	² 13.56	-----
RI63-181...	do-----	55	1	do-----	1,010	10-12-62	1-1-63	6-1-63	12.55	² 13.56	-----
	Western Natural Gas Co., P.O. Box 1508, Houston 1, Tex.	23	1	El Paso Natural Gas Co. (Vinegarrope Field, Val Verde County, Tex.) (R.R. District No. 1).	8,471	10-16-62	1-1-63	6-1-63	12.5	² 13.5	-----

¹ This order does not provide for the consolidation for hearing or disposition of the three matters covered herein, nor should it be so construed.

² The stated effective date is the effective date proposed by Respondent.

³ Periodic rate increase.

⁴ Includes 0.01 cent per Mcf pro rata share of tax reimbursement which buyer receives from the purchasers of residue gas from its Spraberry Gasoline Plant.

Western Natural Gas Company's proposed 13.5¢ per Mcf rate is below the applicable ceiling of 14.0¢ per Mcf for increased rates in Texas Railroad District No. 1, but it relates to sales made to its affiliate, El Paso Natural Gas Company.

The proposed increased rates of Texas Pacific Coal and Oil Company and Texas Pacific Coal and Oil Company (Operator), et al., exceed the ceiling for increased rates in Texas Railroad District No. 8 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning

the lawfulness of the four proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the four proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.3 and 1.37(f)) on or before December 26, 1962.

By the Commission (Commissioner O'Connor not participating).

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-11478; Filed, Nov. 19, 1962;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER ACTIVE PURCHASE REGULATIONS

SEPTEMBER 30, 1962.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases ¹ during quarter		Cumulative purchases ¹ through end of quarter	
				Quantity	Amount	Quantity	Amount
Public Law 806, 88d Cong.							
Beryl.....	6-30-62	Short dry tons, beryl ore.	4,500	² 66	² \$39,191	3,268	\$1,825,889
Mica.....	6-30-62	Short tons, hand-cobbed mica or equivalent.	25,000	-----	³ 137,357	25,000	26,404,555

¹ Quantities represent deliveries.² Quantities in "pipeline" June 30, 1962.³ Final payments on prior deliveries.

Final report will be issued when processing has been completed at the Franklin, New Hampshire, and Custer, South Dakota, depots.

BERNARD L. BOUTIN,
Administrator.

NOVEMBER 14, 1962.

[F.R. Doc. 62-11488; Filed, Nov. 19, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4257]

ATLANTIC RESEARCH CORP.

Order Terminating Summary Suspension of Trading

NOVEMBER 14, 1962.

The common stock, \$1 par value, of Atlantic Research Corporation being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, national securities exchanges; and

The Commission having, on November 8, 1962, issued an order pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 summarily suspending trading in said security on said national securities exchanges effective for the period November 9, 1962 through November 18, 1962; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after November 15, 1962;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of November 8, 1962, including the applicability to said security of Rule 15c2-2 under the Securities Exchange Act of 1934, shall terminate effective at the opening of business on November 16, 1962.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-11482; Filed, Nov. 19, 1962; 8:47 a.m.]

[File No. 811-587]

DELAWARE REALTY AND INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 13, 1962.

Notice is hereby given that Christiana Securities Company ("Christiana") (DuPont Building, Wilmington, Delaware), a registered, closed-end non-diversified investment company, as the survivor of the merger between Delaware Realty and Investment Company ("Delaware") and Christiana, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that Delaware has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

On January 13, 1961 the Commission issued an order (Investment Company Act Release No. 3177) exempting the proposed merger of Delaware into Christiana from the prohibitions of section 17(a) of the Act. The agreement of merger was approved by the stockholders of both companies on February 24, 1961. On the latter date the separate existence of Delaware was terminated in accordance with the General Corporation Law of the state of Delaware. According to the application, on the effective date of the merger all of Delaware's outstanding capital stock was automatically converted under Delaware law into shares of Christiana common stock. In addition,

under the provisions of Delaware law all property, rights, privileges, powers and franchises upon merger became the property of the surviving corporation, and all debts, liabilities and duties of the respective constituent corporations from the time of the merger attach to the surviving corporation and thenceforth may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred by it. All of the former stockholders of Delaware have exchanged their certificates representing converted Delaware stock for Christiana stock certificates.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-11483; Filed, Nov. 19, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator
ASSISTANT ADMINISTRATOR
(TRANSPORTATION)

Delegation of Authority With Respect To Loans and Demonstration Grants for Mass Transportation

The Assistant Administrator (Transportation) is hereby authorized:

1. To execute the powers and functions vested in the Housing and Home Finance Administrator under section 202 of the Housing Amendments of 1955, as amended (42 U.S.C. 1492), with respect to loans for mass transportation except the powers (a) to authorize loans and (b) to determine the rate of interest on loans.

2. To execute the powers and functions vested in the Housing and Home Finance Administrator under section 103(b) of the Housing Act of 1949, as amended (42 U.S.C. 1453(b)), with respect to grants for mass transportation demonstrations except the power to authorize grants.

3. To redelegate to one or more employees under his jurisdiction any of the authority herein delegated.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 20th day of November 1962.

[SEAL]

ROBERT C. WEAVER,
Housing and Home
Finance Administrator.

[F.R. Doc. 62-11506; Filed, Nov. 19, 1962;
8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38035: *Bituminous fine coal to Dunkirk, N.Y.* Filed by Roy S. Kern, Agent (No. 60), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from mine origins in Maryland, New York, Ohio, Pennsylvania and West Virginia, to Dunkirk, N.Y.

Grounds for relief: Restore origin rate relationships.

Tariff: Supplement 18 to Baltimore and Ohio Railroad Company tariff C&C I.C.C. 3221.

FSA No. 38036: *Joint motor-rail rates between the east and west.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., Agent (No. 11), for interested carriers. Rates on various commodities moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points east of the Rocky Mountains, on the one hand, and points west of the Rocky Mountains, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 7th revised page 41 and 5th revised page 82 to Rocky Mountain Motor Tariff Bureau tariff MF-I.C.C. 132, also original page 93 to Rocky Moun-

tain Motor Tariff Bureau tariff MF-I.C.C. 143.

FSA No. 38037: *Cotton, less-than-carload to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-8295), for interested rail carriers. Rates on cotton, noibn, in bales, and burnt cotton, in bales, less-than-carload, from points in southwestern territory, to points in southern territory.

Grounds for relief: Short-line distance formula plus arbitrariness.

Tariff: Supplement 140 to Southwestern Freight Bureau tariff I.C.C. 4268.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-11491; Filed, Nov. 19, 1962;
8:49 a.m.]

[Notice 720]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65173. By order of November 13, 1962, the Transfer Board approved the transfer to Interstate Sand & Gravel Transportation, Inc., Newfield, N.J., of Permit No. MC 94635, issued July 11, 1941, to William Thorn and Wilson Thorn, a partnership, doing business as William Thorn & Son, Grenloch, N.J., authorizing the transportation of sand, gravel, stone, and clay, over irregular routes, from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, N.J., to points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., and Morgan, Lewis & Bockius, Fidelity Philadelphia Trust Building, Philadelphia, Pa., attorneys for Applicants.

No. MC-FC 65362. By order of November 13, 1962, the Transfer Board approved the transfer to R. H. Wright, Inc., Greensboro, Md., of Certificates Nos. MC 37926, MC 37926 Sub 5, MC 37926 Sub 10, and MC 37926 Sub 11, issued March 25, 1944, May 22, 1950, July 30, 1958, and October 4, 1962, respectively, to Russell Harrison Wright, doing business as R. H. Wright, Greensboro, Md., authorizing transportation, over irregular routes, of

various specified commodities, of a general commodity nature, from, to, and between named points in New Jersey, Maryland, Pennsylvania, Delaware, New York, Virginia, and Washington, D.C., including, but not limited to Kearney, Union City and Newark, N.J., New York, N.Y., Philadelphia, Pa., Baltimore, Md., Wilmington, Del., and counties, and other described areas in certain of the above-named States. Donald E. Freeman, 172 East Green Street, Westminster, Md., representative for Applicants.

No. MC-FC 65364. By order of November 8, 1962, the Transfer Board approved the transfer to Kenneth B. Corbett, doing business as Brown Bus Lines, P.O. Box 734, Bonners Ferry, Idaho, of Certificate No. MC 123481 issued September 28, 1961, to L. J. Brown, doing business as Brown Bus Lines, P.O. Box 147, Libby, Mont., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Bonners Ferry, Idaho, and Kalispell, Mont., serving all intermediate points.

No. MC-FC 65419. By order of November 13, 1962, the Transfer Board approved the transfer to S&S Van Lines, Inc., La Porte, Ind., of a portion of Certificate No. MC 71043, issued September 5, 1956, to La Porte Transit Co., Inc., La Porte, Ind., authorizing the transportation of: Household goods, over irregular routes, as defined by the Commission, between La Porte, Ind., on the one hand, and, on the other, points in Illinois, Louis J. Carque, 201 Canterbury Drive, La Porte, Ind., representative for Applicants.

No. MC-FC 65424. By order of November 13, 1962, the Transfer Board approved the transfer to Walsh Moving and Storage, Inc., Milwaukee, Wis., of Certificates Nos. MC 73750 and MC 73750 Sub 1 issued June 1, 1949 and November 17, 1960, respectively, to William J. Walsh, doing business as Walsh Packing & Storage Company, Milwaukee, Wis., authorizing the transportation of household goods, over irregular routes, between points in that part of Illinois and Wisconsin within 50 miles of Milwaukee, Wis., including Milwaukee, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Missouri, Iowa, and Minnesota; and from points in New York and Ohio to Chicago, Ill., new pianos and piano benches, over irregular routes, between Milwaukee, Wis., on the one hand, and, on the other, Chicago, Ill., Cincinnati, Ohio, Hammond, Ind., and New York, N.Y., between Chicago, Ill., and New York, N.Y., and from Oregon, Ill., to Milwaukee, Wis., and damaged or defective shipments of new pianos and piano benches from Milwaukee, Wis., to Oregon, Ill. William C. Dineen, 710 North Plankinton Avenue, Milwaukee 9, Wis., attorney for Applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-11490; Filed, Nov. 19, 1962;
8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

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